

# EXECUTIVE SUMMARY

## Introduction

As a map for future growth and development, as well as historic and natural resource protection, the Chesapeake City Comprehensive Plan will guide the Town's land use decisions in the future. The Plan is intended to direct growth and define the appropriate type of growth in Chesapeake City and its surroundings; map new transportation policies and priorities to ensure safe and efficient transportation routes - vehicular, pedestrian, and maritime -; identify, prioritize, protect and restore historic and natural resources; ensure that adequate community and public facilities are provided; and develop priorities and policies to improve housing throughout the Town.

Although the Plan thoroughly satisfies the requirements of Maryland's Economic Growth, Resource Protection, and Planning Act of 1992, and is in keeping with the principles of the 1997 Smart Growth Initiative, more importantly, the Plan supports the preservation and promotion of the values and distinct qualities of the Town. Clearly, preservation, revitalization and renewal are key objectives of the Plan. The Plan's vision statement, which captures these key objectives and represents the Plan's overall goal, is as follows:

By the year 2015, firmly establish picturesque, tranquil and scenic Chesapeake City as the upper eastern shore's most: Culturally-enriched, Historically-significant, and Aesthetically-pleasing, Moderately growing, safe small town, offering the area's: Highest quality family housing, Family oriented events and activities, Shopping that serves all, Finest inns, Best casual and fine dining, and Outstanding boat docking and marine facilities, while maintaining an historic small town character,

charm and quality of life exceeded by none to be enjoyed and admired by its residents and visitors alike.

### Short Range Plan Recommendations A Summary

- Promote neighborhood revitalization and conservation techniques and strategies
- Expand Village Center district to North Chesapeake City
- Complete a town-wide sidewalk study
- Install traffic calming devices on MD 286 entering the Town
- Establish a water taxi service across the C&D Canal
- Amend the zoning ordinance and subdivision regulations to promote quality neighborhoods
- Amend the historic district ordinance to comply with 66B and facilitate expansion of the district
- Promote community redevelopment by developing a three year redevelopment strategy
- Develop a master plan to enhance utilization of Helen Titter Park
- Participate in Maryland's Heritage Preservation and Tourism Areas Program

Each of the goals, objectives and recommendations in the Plan support the achievement of the Town's vision. The Town has committed to taking the necessary steps to implement the Plan and achieve the Comprehensive Plan's vision.

## Background

The Town of Chesapeake City, located on the shores of the Chesapeake and Delaware Canal, is a historic Town with many of its structures dating back to the nineteenth and early twentieth century. This early architecture gives the Town a distinct character and along with its location on the Canal, is a key reason why it has become such a tourist location. Tourism is a growing industry in the Town and supports many of the local businesses. The Town itself is growing at a moderate pace. After a decline in population in the 1970s and 1980s, the Town is experiencing a moderate growth resurgence of about a 2.0 percent a year. The median age of the population in 1990 was 34.8 - slightly higher than the County average but more or less typical in small towns throughout Maryland. Additionally, income and employment statistics from 1990 indicate that the Town is experiencing low unemployment and has income levels comparable to those throughout the County. Moderate growth and development will most likely continue in the next twenty years.

## Plan Implementation

By utilizing the Comprehensive Plan's four key implementation tools - Zoning Ordinance, Subdivision Regulations, Capital Improvement Plan and the Historic District Ordinance - the Town will immediately begin its implementation of the Plan's recommendations in order to achieve its goals and objectives. Specific recommendations are outlined in each of the five Plan Elements and in the Plan's Implementation Chapter. The following summarizes the recommendations listed throughout the Plan and provides a snapshot of the rationale behind each recommendation.

## Land Use Plan Element

### *Goals*

- ▶ Preserve Chesapeake City's historic small town character which includes a predominance of single family, town-scale, clapboard residences on tree-lined streets and promote moderate new development to emulate the old
- ▶ Concentrate the moderate growth of business to the already established commercial areas, however, provide for integrated visually-compatible convenience stores in any new residential developments
- ▶ Promote opportunities to enhance connectivity between South Town and North Town.
- ▶ Support programs which will preserve the natural beauty and diversity of the area and of the Chesapeake and Delaware Bays.

### *Short Range Recommendations*

- Expand Village District in South Chesapeake City and to North Chesapeake City to encourage redevelopment and provide neighborhood commercial services.
- Establish design review standards as performance standards rather than inflexible and stringent criteria. The intent of these standards is to promote quality development that will build on and complement the existing rural village character of Chesapeake City.

### *Long Range Recommendations*

- Ensure that future development in the designated growth areas complies with the

joint interests of the Town and County for growth management.

- Direct growth into the designated growth areas identified by the Town. These designated growth areas will provide the Town with a mix of land uses, including residential, commercial and employment centers. Substantial upgrades to the sewage system would have to be made if future growth and development were to occur in these designated growth areas.
  1. *Employment Center*
  2. *Residential Growth in North Chesapeake City*
  3. *Mixed-Use Development along MD 213 Corridor South of Chesapeake City*
  4. *Residential Growth in South Chesapeake City*

## Transportation Plan Element

### *Goals*

- ▶ Maintain a functional road and street system for the safe, convenient and efficient movement of people, goods and services in a manner which promotes rational land development patterns.
- ▶ Consider the traffic impacts on local residential streets when reviewing proposals for new development in the vicinity which will affect the level of safety and traffic volumes on local neighborhood streets.
- ▶ Examine and attempt to improve parking availability.
- ▶ Improve connectivity between North and South Chesapeake City by planning for alternative modes of transportation (e.g. water taxi, shuttle bus).
- ▶ Divert through traffic from town streets.

### *Transportation Issues*

The Town of Chesapeake City has identified three key transportation issues that are addressed in the Plan. They are: improving connectivity, managing traffic volume, and enhancing parking opportunities.

### *Short Range Recommendations*

- Complete a Town-wide sidewalk study in order to identify those sidewalks that need repair or replacement and to identify areas in the Town that need additional pedestrian pathways.
- MD 286 (Second Street) is a hazard to pedestrian traffic in the village center area. Since tourism is such a large part of the local economy, safety of pedestrian traffic must be attained. Therefore, traffic calming devices, such as buffering (vegetation, trees) and/or sidewalks, should be considered extending from Bohemia Avenue east. These devices should be in addition to other traffic reduction measures, such as the bypass route alternatives discussed below.
- Enhance parking capacity in the Town by encouraging new developments to provide public parking and to purchase vacant land to serve as municipal parking.
- Study the feasibility of establishing a water taxi service across the C & D Canal.
- Establish a north-side docking area near the end of Bank Street to allow an operator to provide pedestrian shuttle service across the canal.
- Require that the lay out of new street connections in undeveloped areas to assure connectivity to the overall Town street system and State and County systems.

### *Long Range Recommendations*

- Establish an integrated system of signs which is aesthetically pleasing, functional, informative and which promotes safety for all. Special attention should be paid to signage in the historic district to ensure that it is compatible.
- Accommodate the safe and efficient movement of goods and people, acknowledging the importance of both functions to the long-term economic vitality and livability. It is recommended that the County and State address the need to add additional east-west capacity between MD 213 and the Delaware line north and south of Chesapeake City.

Alternative routes that should be considered are:

- a connecting route between Old Telegraph Road in MD 342 (Augustine Road) in the south; and
- a connecting route between Knight's Corner Road and MD 213 in the north.

## Natural Resources and Sensitive Areas Plan Element

### Goals

- ▶ Direct intensive activities away from natural area corridors.
- ▶ Respect the significant natural environment of the Chesapeake City area.
- ▶ Preserve and protect the important natural features of the Town including streams, wooded areas, wildlife habitats, and other sensitive natural areas.
- ▶ Preserve environmentally sensitive areas along the County's and town's waterways.
- ▶ Establish specific development policies for reviewing all development activities within

natural corridors, and with respect to impact upon and protection of ground water.

- ▶ Preserve natural drainageways and to provide public access points for maintenance purposes.
- ▶ Encourage preservation and restoration of properties, structures and places in Chesapeake City which are historically and architecturally significant.

### Recommendations

- Design Measures - Require major subdivision and development proposals incorporate design measures which will identify and reduce, to the extent practical, impacts on sensitive natural features. The clustering of development on a portion of the development site and reserving the remainder of the site in open space serves to reduce the amount of infrastructure and its associated impacts and allows sensitive natural areas to be placed in much less disturbed open space areas.
- *Maintain Open Space* - To the extent practical, wetlands, woodlands and other sensitive natural areas will remain in open space areas. Stream beds, ponds and other important surface water features will be buffered with trees and native vegetation.
- *Clearing and Grading Standards* - Building and clearing activities in floodplains, wetlands, steep slopes and highly erodible soils will be avoided, wherever possible.
- *Manage Stormwater runoff* - Stormwater runoff from impervious surfaces will be properly managed and infiltrated. Sediment and erosion control during and after construction will be practiced. Maintaining and enhancing wildlife corridors and habitat will be encouraged.

## Historic Features Plan Element

### Goals

- ▶ Preserve all Town historical structures.
- ▶ Encourage the revitalization of historical structures that require attention.
- ▶ Promote a strong sense of community pride for Town residents;
- ▶ Encourage community revitalization through the renovation or adaptive reuse of older structures;
- ▶ Increased property values and tax revenues as a result of renovation and restoration; and
- ▶ Increased revenues generated from tourism.

### Short Range Recommendations

- *Expand Historic District* - The Town would like to expand its historic district to North Chesapeake City to ensure historic structure protection and to expand economic opportunities, specifically opportunities to promote heritage tourism in the Town. The Town should delineate a historic district boundary in North Chesapeake City and amend its current Historic District Ordinance to capture this new area.
- *Historic District Ordinance* - The existing Historic Area regulations are contained in the Chesapeake City Zoning Ordinance. These provision should be revised to reflect the latest amendments to the enabling legislation (Article 66B) and “Town Vision” contained herein.
- *Old Town Hall* - The Commission has already prepared a rough draft of an

application to place the old town hall on *The National Register of Historic Places*. This should be followed up with residents of the north side of town and pursued as the first step in expanding the town's historic district.

### Long Range Recommendations

- *Protection and Preservation Programs* - A number of existing programs provide assistance in protection or preservation, offer tax benefits, provide professional historical/architectural consulting, and so forth. More detailed information on programs including the National Historic Landmark, National Register of Historic Places, Conservation and Preservation Easements, and Historic Overlay Districts can be found from various historic preservation organizations such as the Maryland Historical Trust.
- *School Involvement* - Providing regular guided walking tours of the historic district is one way to engender community interest as well as providing the visitor a rewarding experience. The Commission should explore ways to have Middle and Senior High School students trained as guides.
- *Heritage Tourism* - Since the State of Maryland is promoting heritage tourism as a sustainable economic development alternative, Chesapeake City should partner with surrounding communities to develop a regional heritage management and tourism program and seek state designation as a Heritage Area. After a community is recognized in this program, it is then eligible for state Heritage Preservation and Tourism Program funding to implement its Heritage Area Management Plan.

## Community Facilities Plan Element

## **Goals**

- ▶ Provide an appropriate array of community facilities and services required to maintain the health, safety and welfare of the residents of Chesapeake City.
- ▶ Provide adequate parks, recreation and open space and opportunities equitably distributed throughout the Town for existing and future Town residents.

## **Short Range Recommendations**

- *Parks* - The Helen Titter Memorial Park is currently underutilized with poor access for both pedestrians and automobiles. It is recommended that the Town develop a

Master Development Plan for Helen Tittler Memorial Park to guide future development of the park and to address current access issues. In addition to enhancements for Titter Memorial Park, the Town should consider developing additional park and recreation facilities in North and South Town. In particular, the Town should purchase land to connect Pell Gardens Park and Ferryslip Park in the South section of Town. This would provide a larger waterfront park for public enjoyment. Additionally, the Town should consider developing a “village green” in the historic section of North Town to promote its rich heritage and serve as a common meeting place.

## **Long Range Recommendations**

- *Greenway* - To enhance the utilization of the Canal Greenway and to provide better connectivity to downtown services, it is recommended that the Town develop a promenade along Back Creek to connect the existing greenway to the Historic District.

- *Stormwater Management* - The newly emerging concept of Low Impact Development (LID) is an environmentally sensitive approach to eliminate, minimize, or mitigate the “root” causes of development-generated impacts at the sources. The Town should investigate the feasibility of applying/permitting LID techniques.
- *Adequate Public Facilities* - Adequate public facilities are essential to the future growth and development of any town. The Town of Chesapeake City will make annexation a prerequisite before granting the extension of Town sewer service facilities to areas outside the Town's incorporated boundaries.

## **Housing Plan Element**

### **Goals**

- ▶ Provide a variety of housing types within the Town's land use controls.
- ▶ Encourage the use of innovative programs to provide a suitable mix of housing types in affordable price ranges.
- ▶ Insure high standards of quality in new construction, but with sensitivity to housing affordability.
- ▶ Encourage, through both private and public actions, the renovation or removal of substandard housing.
- ▶ Encourage, through both private and public actions, an opportunity for families to live in adequate homes in price ranges that are affordable.

### **Short Term Recommendations**

- *Community Redevelopment* - Create a separate Three Year Community Development Plan for identified neighborhoods. Provide a mechanism for

citizen and neighborhood participation in the planning process. Seek to retain the residential character of the neighborhoods while simultaneously improving the housing stock and living environment.

- *Inventory and Analysis* - Areas with a concentration of blight should be identified, causes of the problems determined, and a neighborhood plan of action developed. The study should involve appropriate governmental and public agencies and residents of the study areas.

### *Long Term Recommendations*

- *Community Facilities* - Rehabilitation of blighted neighborhoods can be partially accomplished by improving community facilities such as recreation and open space, water and sewerage systems, curbs and gutters, streets, sidewalks, and street landscaping.
- *Funding* - The Town should continue to take advantage of federal and state programs to finance the improvement of the residential environment.
- *Land Uses* - Land uses which are detrimental to the residential environment should be prevented from locating in predominantly residential areas. Existing incompatible uses should be buffered from residential areas.
- *Code Enforcement* - Code enforcement and housing rehabilitation grant and/or loan programs should continue to be used to upgrade the existing housing stock or to remove vacant dilapidated housing.

## **Implementation Chapter**

### *Zoning Ordinance/Subdivision Ordinance*

An effective Zoning Ordinance based on Comprehensive Planning enables the orderly, compatible, and desirable development of a community. The Chesapeake City Zoning Ordinance was adopted in 1977 to implement the then existing Comprehensive Plan. Although there are many aspects of the existing Zoning Ordinance that should be retained, overall, it is not adequate to implement the Comprehensive Plan herein recommended. Current standards in the existing Zoning Ordinance and Subdivision Regulations should be reviewed for consistency with the recommendations of the Comprehensive Plan.

### *Quality Community*

Development design can be generally defined as the management of the visual and physical development of the built environment. Primary emphasis is placed on the preservation of the town's character. All future development in the town, except for single-family homes and farm buildings, should be subject to some level of design review for compliance with minimum development appearance standards or guidelines. These minimum standards that should be achieved are performance standards rather than inflexible and stringent criteria. The intent of these standards is to promote quality development that will complement the community character of Chesapeake City.

Standards to be examined:

- Relationship of Buildings to Site
- Landscape and Site Treatment
- Building Design
- Signs
- Maintenance -- Planning and Design Factors

### *Traditional Neighborhood Development*

Traditional neighborhood development is a development pattern that reflects the characteristics of small, older communities of the late 19th and

early 20th centuries such as exist in Chesapeake City. Emphasis is placed on the layout of the streets, the building of a variety of housing types with smaller front yards, the more judicious use of open spaces to serve as community focal points, and the appearance of clearly defined streetscapes.

TND communities are characterized by:

- mixed land uses;
- grid street patterns;
- pedestrian circulation;
- intensively-used open spaces;
- architectural character; and
- a sense of community.

It is recommended that the Town revise existing regulations to establish a TND overlay zoning district for the Town Growth Areas.

### *Landscaping*

The Town should adopt landscape provisions in the zoning ordinances that require all major subdivisions, planned unit developments (PUD), and commercial and industrial development required to minimal levels of landscaping on the site.

Standards to be examined:

- Street Trees
- Bufferyards
- Landscaping of Parking Facilities
- Rural/Scenic Roadways - the Towns Entryways

### *Sensitive Areas Protection*

The Plan recommends performance standards that implement three important goals of the Comprehensive Plan dealing with protection of natural resources, management of stormwater quality, and avoiding conflicts between adjacent land uses. In general, buffer protection measures should be similar to those required in the Chesapeake Bay Critical Area. The Town recommends specific performance standards be

included in the Zoning ordinance to protect the following sensitive areas:

- Perennial Stream;
- Ephemeral Streams;
- Sensitive Soils;
- Nontidal Wetlands;
- Steep Slopes;
- Habitats of Rare, Threatened and Endangered Species; and,
- Forest Cover.

### *Administration and Enforcement*

The responsibility for administering and enforcing the Comprehensive Plan and its associated ordinances and regulations rests primarily with the Town Council, Planning Commission, Board of Zoning Appeals and the town staff. Each group has a different role in administration and enforcement. Their roles need to be defined and understood in the context of the new plan. guidance in decision-making, and the size and cost of staff needed to effectively enforce regulations.



## CHAPTER 1

### INTRODUCTION

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The Comprehensive Plan is the official statement of the Mayor and Town Commissioners of Chesapeake City setting forth policies concerning desirable future growth which serves as a general guide to public and private restoration and development decisions. Once adopted, it becomes the basis for the preparation of specific policies, programs and legislation, such as zoning, historic district and subdivision regulations, and other actions which implement the growth policies set forth in the Plan.

The Plan is comprised of several major elements that are prepared in such a manner that they form an integrated, unified document for guiding future growth and development. As a policy document it is general, comprehensive, and long range in nature. It is comprehensive in that it encompasses the entire geographic area of the Town and includes all functional elements that bear upon its physical development, such as transportation, land use, and community facilities. It is general in that it summarizes policies and proposals but does not establish detailed regulations or indicate specific locations. It is long range in that it looks beyond current issues to problems and opportunities related to future growth over the next twenty years.

#### A VISION FOR CHESAPEAKE CITY

By characterizing local resources, identifying local values and needs, and developing a strategy to ensure that the needs and values of the community are met, the Town of Chesapeake City has developed its Comprehensive Plan. The Plan represents the Town's map for addressing growth and development issues that are important to the Town's future quality of life. Although there are goals and objectives in each of the Plan's elements, the overall vision for the Town is critical to directing community decisions. The vision ensures that the values of the Town are reflected clearly in the Comprehensive Plan and furthermore, can be used as benchmark in which to base future Town decisions. The Town has developed the following vision statement to guide growth and development in a manner that supports the values of the Community and the goals and objectives of the Comprehensive Plan.

#### **Chesapeake City's Vision**

- ◆ *By the year 2015, firmly establish picturesque, tranquil and scenic Chesapeake City as the upper eastern shores's most:*
  - Culturally-enriched;
  - Historically-significant; and
  - Aesthetically-pleasing small community.
- ◆ *A moderately growing safe small town offering the area's:*
  - Highest quality family housing;
  - Family oriented events and activities;

- Shopping that serves all;
- Finest inns;
- Best casual and fine dining; and
- Outstanding boat docking and marine facilities.

*All of this will be achieved while maintaining an historic small town character, charm and quality of life exceeded by none to be enjoyed and admired by its residents and visitors alike.*

## **THE FRAMEWORK FOR PLANNING**

As Chesapeake City and the surrounding environs grow and change over the next twenty years, this Comprehensive Plan will serve as a guide for making public and private decisions regarding the Town's growth and development. This Plan presents a future vision of Chesapeake City into the year 2017 along with recommendations for bringing that vision to fruition. The ideas of the Plan are a distillation of the community's many desires, tempered by what seems feasible and reasonable. This Plan is not intended to be a static document. It should be reviewed and updated periodically to reflect new development trends, shifts in the economy, or changes in the community's goals and objectives.

Chesapeake City finds itself surrounded by a landscape that is rapidly changing. The large land holdings surrounding the Town are still relatively intact, and development pressures exist from encroaching subdivisions and other development activities in the unincorporated areas surrounding the community. This Comprehensive Plan particularly addresses the preservation and enhancement of Chesapeake City's special qualities and the rural historic character of the Town. This sense of uniqueness and pride of place are the guiding forces and strongest motivation for those who have contributed to the realization of this document.

## **LEGAL BASIS FOR COMPREHENSIVE PLANNING**

Article 66B of the Annotated Code of Maryland is the Zoning and Planning enabling legislation from which the Town of Chesapeake City derives its powers to regulate land use. Section 3.05 sets forth the minimum requirements for a comprehensive plan which shall include, among other things:

- A statement of goals and objectives, principles, policies, and standards;
- A land use plan element;
- A transportation plan element;
- A community facilities plan element;
- A mineral resources plan element, if current geological information is available;

- An element which shall contain the planning commission's recommendations for land development regulations to implement the plan; and
- Other elements, such as a community renewal, housing, historic district, natural resources, at the discretion of the commission.

### **Maryland Economic Growth, Resource Protection and Planning Act of 1992**

The context for planning in the Town of Chesapeake City must also take into consideration the role that the Town will play in implementing the overall growth management policies established by the State of Maryland in the Planning Act of 1992. The policies were used as the overall guiding framework for the Chesapeake City planning process. Stated as "visions" for the future, these policies are:

1. Development is concentrated in suitable areas;
2. Sensitive areas are protected;
3. In rural areas, growth is directed to existing population centers and resource areas are protected;
4. Stewardship of the Chesapeake Bay and the land is a universal ethic.
5. Conservation of resources, including a reduction in resource consumption, is practiced;
6. To assure the achievement of 1 through 5 above, economic growth is encouraged and regulatory mechanisms are streamlined; and
7. Funding mechanisms are in place to achieve all other visions.

The Maryland Economic Growth, Resource Protection and Planning Act of 1992 also added the requirement that the comprehensive plan contain a Sensitive Areas Element which describes how the jurisdiction will protect the following sensitive areas:

- Streams and stream buffers,
- 100-year floodplains,
- Endangered species habitats,
- Steep slopes, and
- Other sensitive areas a jurisdiction wants to protect from the adverse impacts of development.

### **Maryland Smart Growth and Neighborhood Conservation**

In its 1997 Session, the Maryland General Assembly strengthened Maryland's response to the continuing and damaging effects of suburban sprawl by enacting Governor Glendening's's Neighborhood Conservation and Smart Growth Initiatives. The Smart Growth initiatives enhance the Economic Growth, Resource Protection, and Planning Act of 1992. Smart Growth now gives the State programmatic and fiscal tools to assist local governments meeting sound growth policies and implementing the Visions of the Planning g Act.

Beginning October 1, 1998, Smart Growth establishes a policy for the use of State funds which support communities and influence the location of development. Building on the foundation of

66B and the 1992 Planning Act, Smart Growth designates State priority funding areas. These priority funding areas are locations where the State and local governments want to target their efforts to encourage and support economic development and new growth. These areas include: Maryland municipalities, other existing communities, industrial areas, and planned growth areas designated by counties.

The Maryland Office of Planning lists the following major responsibilities local governments have in the implementation of Smart Growth:

- Preparing and periodically updating Comprehensive Plans which are consistent with the Visions;
- Assuring that implementation mechanisms and development regulations are consistent with local Comprehensive Plans;
- Designating and mapping priority funding areas, in accordance with established standards;
- Providing water and sewerage in priority funding areas;
- Certifying proposed projects' location in priority funding areas;
- Authorizing State approval of selected Rural Legacy Areas; and,
- Enacting property tax incentives to participate in Brownfields Revitalization Program.

## **COMPONENTS OF A GROWTH MANAGEMENT PROGRAM**

This Comprehensive Plan provides the basic framework and direction for all components of what may be considered the Town's overall Comprehensive Planning Program. It is not a stand-alone document but is supported and, in turn, supports related Planning Program documents including:

- Zoning Ordinance
- Subdivision Ordinance
- Capital Improvements Budget
- Historical District Ordinance

These documents and others, when used concurrently, are the basis for directing and managing growth in Chesapeake City.

## CHAPTER 2

### COMMUNITY CHARACTERIZATION

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#### HISTORICAL BACKGROUND

Chesapeake City is defined by its place on the Chesapeake & Delaware Canal. Its location shaped its social, economic, cultural and environmental character for past decades and will continue to do so for the foreseeable future.

Before the C & D lock canal was completed in 1829 the area, which today is known as Chesapeake City, was occupied by two structures, one of which was the popular pre-revolutionary Chicks Tavern. During the canal construction a third structure was added to house the toll collector who had an office adjacent to the lock.

As ship traffic on this early American canal grew, so did the town to provide the goods and services demanded by the passengers and shippers traversing the waterway. In 1839, the area, formerly known as Bohemia Village, had grown to a population of 400. It got a post office and changed its name to Chesapeake City to mirror Delaware City on the canal's eastern terminus. Chesapeake City was incorporated in 1849, became the site of a large waterwheel pump in 1852, and was linked to Delaware City by telegraph in 1860.

By 1877, the town was bustling with more than a dozen businesses and even its own newspaper, the *Chesapeake Chesapeake* describing the area as, "... one of the richest sections of Maryland." Many of the merchants prospered and built beautiful homes reflecting several construction styles that were popular at that time. Most of the populace sustained a meager living, working on the canal and subsisted in small two story houses. These dwellings were often added onto as *families grew* and the juxtaposition of additions onto small houses intermixed with shops and grand homes gives the Town much of its unique character.

As a regular stop for the Baltimore and Philadelphia Steamboat Company (Ericsson Line), manufactured goods from Baltimore and Philadelphia were off-loaded at Chesapeake City, and sold in many of the stores in town attracting buyers from the town and region. Locally grown produce, grain and fruit, were on-loaded and shipped to the metropolitan areas. It is against this backdrop that an inland port town with great natural scenic beauty grew and prospered with hotels, restaurants and shops serving the residents and travelers - that service tradition continues today.

The Cecil Whig on December 23, 1881 wrote about a popular Chesapeake City tavern keeper, Captain Layman:

"To our old friend Layman of the Bayard House, Chesapeake City, that prince of hosts, who knows full well how to keep a hotel, we tender our thanks for his kind remembrance and Christmas good cheer, may his shadow never grow less."

In 1906, J. Racine Polk of Elkton, writing his weekly newspaper column, described Chesapeake City as follows:

"The quaint village is populated by a people who have drank from their mothers' breast purity of character, and these men belong by right to God both body and sole. Chesapeake City is very quaint in appearance and has about thirteen hundred inhabitants, and is governed by a Board of Commissioners. It has many fine homes, and its lovely shaded streets are always scrupulously clean, the town generally possessing an air of refinement in keeping with its age."

A little more than a decade later the high school class of 1917 provided this delightful description of the town:

"Chesapeake City is beautifully laid out in wide streets well shaded during the day, and well illuminated at night with electric lights. The population numbers twelve and thirteen hundred and the town is really in its infancy though the country in the immediate vicinity was settled during the early colonial days."

**Summary** - It is this rich heritage of individuals of outstanding character providing the finest goods and services available in a quaint and lovely environment that establishes a foundation on which future leaders are challenged to improve. The Mission Statement of the introduction in Chapter 1, repeated below, embodies and builds on these principals and it is the responsibility of the implementors of this plan to ensure the challenge is met.

### **Chesapeake City's Vision**

By the year 2015, firmly establish picturesque, tranquil and scenic Chesapeake City as the upper eastern shore's most: Culturally-enriched, Historically-significant, and Aesthetically-pleasing, Moderately growing, safe small town, offering the area's: Highest quality family housing, Family oriented events and activities, Shopping that serves all, Finest inns, Best casual and fine dining, and Outstanding boat docking and marine facilities, while maintaining an historic small town character, charm and quality of life exceeded by none to be enjoyed and admired by its residents and visitors alike.

## SOCIO-ECONOMIC BACKGROUND

### Past Growth

During the twenty years from 1970 to 1990, Chesapeake City's town population declined by 29.7 percent. The population was 47.6 percent male and 52.4 percent female.

### Population Growth

|                              | 1970   | 1980   | 1990   | Percent increase<br>1970-1990 |
|------------------------------|--------|--------|--------|-------------------------------|
| Cecil County                 | 53,291 | 60,430 | 71,347 | 33.9%                         |
| Chesapeake City,<br>district | 3,352  | 3,714  | 4,537  | 35.4%                         |
| Chesapeake City, town        | 1,031  | 899    | 735    | - 29.7%                       |

Source: 1990 U.S. Census

The 1990 Census total population number of 735 has been informally challenged by the past Mayor and Town Council as being too low. Based on total water consumption, Town officials estimate the population to be about 1035. New Census Bureau procedures will be in place to more accurately estimate small town populations for the year 2000.

In comparison, Chesapeake City district continued to grow during this entire period, witnessing a 36.2 percent growth rate from 1970-1990. Chesapeake City town declined as a percentage of Cecil County (1.9 percent in 1970 to 1 percent in 1990) while Chesapeake City district remained relatively stable (6.3 percent in 1970 to 6.4 percent in 1990).

For this Plan's twenty year horizon, the vision statement considers "moderate growth" - typically in the one to four percent range. For the Town's population projection a two percent growth rate was selected. This number may well be slightly higher and therefore a conservative projection. A growth of 3.5 percent compounded over twenty years would double the population.

### Population Projections

|                             | 2000   | 2010   | 2020    |
|-----------------------------|--------|--------|---------|
| Cecil County *              | 83,700 | 93,100 | 101,000 |
| Chesapeake City, town<br>** | 750    | 900    | 1080    |

\* Source: Maryland Office of Planning    \*\* Based on a 2.0 percent growth rate

## Age/Education

In 1990, a significant amount of the population was below age 44. Twenty-three percent of the population was below age 18. Thirty percent of the population fell between the ages of 25 to 44.

### Population by Age

| Chesapeake City | Under 5 | 5-17 | 18-24 | 25-44 | 45-54 | 55-59 | 60-64 | 65+ |
|-----------------|---------|------|-------|-------|-------|-------|-------|-----|
| 1980            | 39      | 218  | 109   | 223   | 96    | 35    | 48    | 131 |
| 1990            | 59      | 113  | 77    | 221   | 83    | 40    | 27    | 115 |

Source: 1990 U.S. Census

In 1990, the median age of the population was 34.8. This is higher than that of Cecil County which was 32.6. The Town's median age was also higher than Cecil County's in 1980 (32.3 years compared to 29.6 years).

Of persons over 25 years of age, 75.8 percent possessed a high school degree and 13.7 percent had earned a bachelor's degree or higher.

The age distribution of Chesapeake City is more or less typical of a small town in Cecil County. Population by age category indicated on the table above may stay the same over time with the moderate growth that is planned in the Town. Since Chesapeake City has village qualities, historical sites, and natural beauty that attract retirees and older couples, it is likely that the population by age will remain constant overtime.

## Employment

With an unemployment rate of 4.2 percent, Chesapeake City experienced slightly lower unemployment than both Cecil County and the State.

### 1990 Labor Force

|                 | Population | Percent in labor force | Percent unemployed |
|-----------------|------------|------------------------|--------------------|
| Maryland        | 3,736,830  | 70.6%                  | 4.3%               |
| Cecil County    | 54,369     | 68.1%                  | 4.6%               |
| Chesapeake City | 566        | 66.8%                  | 4.2%               |

Source: 1990 U.S. Census



The planned continued growth of the service industry in Town will provide more employment opportunities for people living in the area.

### **1989 Income and Poverty Status**

|                           | Per capita income | Median income |          |                      | Persons living in poverty |         |
|---------------------------|-------------------|---------------|----------|----------------------|---------------------------|---------|
|                           |                   | Households    | Families | Nonfamily Households | Number                    | Percent |
| Maryland                  | \$17,730          | \$39,386      | \$45,034 | \$24,482             | 385,296                   | 8.3%    |
| Cecil County              | \$14,314          | \$36,019      | \$40,420 | \$18,696             | 5,206                     | 7.5%    |
| Chesapeake City, district | \$15,954          | \$37,553      | \$45,137 | \$15,156             | 291                       | 7.3%    |
| Chesapeake City, town     | \$14,648          | \$31,154      | \$34,141 | \$14,464             | 62                        | 8.7%    |

Source: 1990 U.S. Census

## 1990 Occupation of Employed

|   | Number of Persons | Percentage   |
|---|-------------------|--------------|
| Executive, administrative, & managerial                 | 34                | 9.4%         |
| Professional speciality occupations                     | 51                | 14.1%        |
| Technicians & related support occupations               | 7                 | 1.9%         |
| Sales occupations                                       | 46                | 12.7%        |
| Administrative support occupations, including clerical  | 61                | 16.9%        |
| Private household occupations                           | 0                 | -            |
| Protective services occupations                         | 2                 | .6%          |
| Service occupations, except protective & household      | 33                | 9.1%         |
| Farming, forestry, & fishing occupations                | 15                | 4.1%         |
| Precision production, craft, & repair occupations       | 60                | 16.6%        |
| Machine operators, assemblers, & inspectors             | 13                | 3.6%         |
| Transportation & material moving occupations            | 28                | 7.7%         |
| Handlers, equipment cleaners, helpers, & laborers       | 12                | 3.3%         |
| <b>Private for profit wage &amp; salary workers 16+</b> | <b>262</b>        | <b>72.4%</b> |
| Private not-for-profit wage & salary workers 16+        | 18                | 5%           |
| Local government workers 16+                            | 22                | 6.1%         |
| State government workers 16+                            | 22                | 6.1%         |
| Federal government workers 16+                          | 10                | 2.8%         |
| Self-employed workers 16+                               | 28                | 7.6%         |
| Unpaid family workers 16+                               | 0                 | -            |

Source: 1990 U.S. Census

### Persons per Household

In 1980, there were 2.75 persons per household in Chesapeake City. By 1990, that number had dropped to 2.53, a number lower than both Cecil County (2.81) and the State (2.67).

### Housing Characteristics

### 1990 Housing Units

|                              | 1 unit,<br>detached | 1 unit,<br>attached | 2-4<br>units | 5-9<br>units | 10 +<br>units | Mobile<br>homes |
|------------------------------|---------------------|---------------------|--------------|--------------|---------------|-----------------|
| Chesapeake City,<br>district | 1,847               | 75                  | 52           | 30           | -             | 139             |

Source: 1990 U.S. Census

Of the 325 housing units in 1990, 10.5 percent of them were built since 1980. Eighty-nine point two percent are on public sewer service. All housing stock had complete plumbing facilities and only 0.9 percent lacked complete kitchen facilities.



## CHAPTER 3

### LAND USE

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#### *Goals*

- ◆ Preserve Chesapeake City's historic small town character which includes a predominance of single family, town-scale, clapboard residences on tree-lined streets and promote moderate new development to emulate the old
- ◆ Concentrate the moderate growth of business to the already established commercial areas, however, provide for integrated visually-compatible convenience stores in any new residential developments
- ◆ Promote opportunities to enhance connectivity between South Town and North Town.
- ◆ Support programs which will preserve the natural beauty and diversity of the area and of the Chesapeake and Delaware Bays.

#### *Objectives*

- Provide sufficient opportunities for varying residential and commercial uses which are in keeping with the small town values and rural character of Chesapeake City.
- Accommodate growth primarily through development of vacant lands within the Town's current boundaries and secondly, through selective annexation of adjacent lands.
- Establish priorities for sewer service extension to be in accordance with the Comprehensive Plan and Future Land Use Plan Map.
- Require annexation of an area as a condition for extending Town community facilities and service.
- Require exactions if necessary from future large-scale developments in the form of land dedications or fees-in-lieu of dedications for the provision of community facilities, including but not limited to parks, schools, open space and roads.
- Maintain opportunities for a viable economic base which encourages further economic investment, diversification and expansion which offer a broad range of employment and business opportunities adequate to meet Town and County residents needs and enhance the tax base of the Town.

## **BACKGROUND**

The Land Use Plan is considered the most important Plan Element of a Comprehensive Plan. It establishes the relationship between the Town's existing patterns of growth and development and the location, distribution, and scale of future development. It influences the location of public facilities and transportation system improvements, and many of its recommendations are directed at the quality and character of the community. Additionally, the location and scale of future growth and development will have an impact on the fiscal and natural resources of the Town. If growth and development is not directed to areas where infrastructure already exists and away from environmentally sensitive areas, then both fiscal and natural resources will be negatively impacted.

The Land Use Plan provides the means to integrate the various planning goals and objectives into a comprehensive whole. The Town's plan to protect natural resources and open spaces, improve transportation systems, maintain and enhance community facilities, enhance connectivity, and protect the community's character are all elements associated and incorporated into the Land Use Plan. Chesapeake City's Land Use Plan (see Map 1) is the fundamental element that will determine the Town's future pattern of growth and development.

## **LAND USE RECOMMENDATIONS**

An important part of guiding development is to establish appropriate guidelines addressing the intensity of development permitted within the Town. Population densities determine the level and expense of community facilities and services which are essential for protecting the health, welfare and safety of Town citizens. Facilities such as sewer, water, roads and parks are planned and often constructed based upon the ultimate number of housing units and people to be served. Establishing specific density levels, therefore, becomes a basic policy decision in order to properly guide policy boards in preparing plans to meet future growth changes.

### ***RESIDENTIAL***

Three residential land uses should be considered in Chesapeake City. Before specific recommendations are provided for each of these categories, some general recommendations regarding residential land use is offered.

First, the Town is primarily a residential community, of which the homes are on small parcels of land, ranging from .1 of an acre to ½ acre lots. The smaller lots in South Chesapeake City create pedestrian scale neighborhoods more associated with a village center than residential areas in North Chesapeake City. This is primarily due to the large number of historic houses in South Chesapeake City, although there are structures of historic significance located in the North Chesapeake City as well. Creating a similar village scale in North Chesapeake City is goal of the land use plan. North Chesapeake City village will provide a mix of residential housing, commercial properties and waterfront access. This will provide residents of the community with

## Chesapeake City's Land Use Plan - Map 1

convenience type commercial services, as well as promote economic opportunities in North Chesapeake.

Second, the Town of Chesapeake City currently is limited in its growth due to the capacity of its sewerage treatment plant facility. Based on current estimates, there is capacity for only 42 to 45 new hook-ups which translates into an increase of approximately 168 new residents to the Town. There is general consensus in the Town that capacity of the sewage treatment facility and capacity of other public facilities must be examined before large developments and annexations occur. Adequate public facilities should be criterion for future Town growth and development.

Third, the Town of Chesapeake City is unique in its small town charm, quality neighborhoods and waterfront character. These characteristics should be maintained as the Town grows at a moderate pace in the future. Therefore, residential development standards should be created and implemented that ensure that future residential developments are compatible with existing neighborhoods and preserve the village character of Chesapeake City.

Fourth, in-fill residential development should be a priority in and around the Town's Village Center. These in-fill areas should be developed before additional farmlands and other lands are annexed for development.

**Single Family Residential** - The predominant residential category in Chesapeake City is and should continue to be low density residential development. Single family residential areas are those designated primarily for detached, single-family homes, together with other facilities commonly intermixed and related to residential activities. These areas may be developed in a density range of approximately 1 - 3 units per acre. Using the average household size for the County as a guide, a low density residential area would average approximately 3 to 12 persons per acre.

All new single family residential development should be designed in a manner that complements the existing grid patterns of development in the Town. New developments that have environmental features that prevent linear grid street patterns should be excluded from these provisions.

**Mixed-Use Residential** - This designation applies to areas in the Town that have a mix of both single family residential properties and other medium density residential properties, such as townhouses, condominiums and apartments. Medium density residential ranges from about 3 - 7 units per acre. The mixed-use development category has been designated to allow for development more intensive than single family residential densities, yet not so intense as to create a burden upon the service capabilities of the Town. In addition, the mixed-use residential category allows for commercial properties that provide daily services to residences of the community (neighborhood businesses). Mixed-use structures that are built under this residential category should adhere to all mixed-use housing standards and cluster development provisions. These standards ensure that new mixed-use developments are designed in a



manner that complements the current pattern of development and is consistent with the character of the existing Town structures.

**Multi-Family Residential** - This category recognizes an existing land use in North Chesapeake City. The adult community facility in North Chesapeake City is a high density, residential facility. Additional strictly multi-family residential land uses would not be appropriate in other areas of the Town as it currently exists and new multi-family areas are not designated in the land use plan. Multi-family residential properties typically range in density from 5 to 8 units per acre and range in population size from 17.5 residents to 28 residents using an average of 3.5 residents per household.

### **Residential Land Use Recommendations**

In an effort to preserve the village character of Chesapeake City and to provide guidelines for future development, the following residential objectives are established:

- To prevent development of land that is not suitable for residential development because of soil characteristics, water table, or other faults.
- To locate residential development convenient to services and amenities.
- To encourage residential development reflecting good design practices that will make efficient use of available land and produce attractive subdivisions and other development.
- To protect residential areas from encroachment by incompatible land uses in order to preserve the predominant single-family village character of the Town.
- To encourage energy conservation in residential development and to establish subdivision and zoning regulations to accommodate techniques that achieve greater energy efficiency (*Note: This objective is consistent with Vision 5 of the Planning Act, "conservation of resources, including a reduction in resource consumption, is practiced"*).

### **Policies**

The development policies proposed by this Comprehensive Plan are designed to address the above objectives. The following are recommended policies for residential development.

- The density of residential development should be based on the availability of community facilities. Adequate recreational facilities and open space should be required as part of new residential developments where applicable.

- Residential areas should be protected from incompatible land uses and be designed to insure a desirable low density, rural living environment.
- Through traffic and heavy vehicles should be prevented, where possible.
- In-fill development and redevelopment should be encouraged where appropriate. Within the Village Center, infill development and redevelopment should be sensitive to the historic character of the community.
- Land development regulations should reflect proper design standards including landscaping, sidewalks, bike paths where appropriate, and street tree requirements.

### **Development Design Standards**

All future development in the Town should be subject to some level of design review for compliance with minimum development appearance standards. To the extent possible, design review standards should be established as performance standards rather than inflexible and stringent criteria. The intent of these standards is to promote quality development that will build on and complement the existing rural village character of Chesapeake City. One of the reasons for implementing these standards is, of course, to positively influence development aesthetics. However, this objective is justified by the greater goals of protecting and enhancing real estate values, fostering of civic pride, and improving the overall investment climate within the Town.

Design standards are not intended to restrict imagination or development creativity, but rather to assist in focusing on development design principles which should result in enhancing the visual appearance of the built environment in the area. Development appearance standards should address such factors as: relationship of buildings to the site; relationship of existing buildings and site to adjoining areas; landscape and site treatment; building design; signs; and, maintenance. These standards should not be considered cost prohibitive or overly restrictive since they embody common sense design principles which were traditionally employed throughout the country prior to the advent of post-war suburbanization.

### **COMMERCIAL**

The Comprehensive Plan recognizes that the need exists for several types of low intensity commercial development within the Town. It is essential to recognize existing commercial areas and provide, consistent with the Town's development concept, areas for necessary future expansion in order to allow healthy growth of this important sector of the economy and to preserve existing commercial centers. Opportunities to improve commercial businesses in North Chesapeake City are highly encouraged in this land use plan.

### **Commercial Land Use Recommendations**

Two categories of commercial land uses are recommended for use in Chesapeake City.

**Village Center** - The primary commercial land use in the Town of Chesapeake City is Village Center. The objective of the Village Center land use is to provide community residents and visitors with a mix of land uses including residential, recreational and commercial. Commercial properties such as convenient shops, bed and breakfasts, antique shops, and restaurants, should be permitted in the Village Center. Village Center land use has been designated for portions of both South and North Chesapeake City.

The existing Village Center portion in South Chesapeake City encompasses much of the historic district, but this plan recommends expanding the Center to include all of the current historic district. Additionally, the Plan recommends that a Village Center be designated in a portion of North Chesapeake City which encompasses some existing commercial, residential and public properties. Current and proposed Village Center districts are adjacent to the C & D canal waterfront and therefore, hold much promise to promote ecological and heritage tourism opportunities. In addition, the canal may be used as a means of connecting the Village Center districts in North and South Chesapeake City via a water taxi or ferry service.

Regulations developed for this area should require and promote the integration of uses through shared parking, access drives, signage, landscaping, etc. Strict landscaping, screening, parking and loading, outdoor storage, and sign regulations should be applied to create an attractive, inviting setting. In addition, promoting public access should be a priority in this district.

**Highway Commercial** - Highway commercial is a term applied to commercial activities that depend on highway traffic for business. These areas are generally retail and service establishments that locate in a linear or strip fashion along high volume highways for accessibility and visibility. Although serving an important function in the local economy, these uses also can create numerous problems which impair the efficient operation of highways. Although there is currently no highway commercial land uses in the Town of Chesapeake City, well designed highway commercial uses may be appropriate land uses along MD 213 in Town designated growth areas.

Highway commercial uses typically include restaurants, service stations, convenience stores, produce markets, farm equipment suppliers, and building suppliers. Other considerations are addressed in the following recommended policies:

- Rather than strip commercial development along the highways, clustered commercial development is recommended.
- Individual entrances should be consolidated into as few access points as possible. This should be required in the Zoning Ordinance and Subdivision Regulations and entrance locations should be coordinated with the State Highway Administration.

- Appropriate regulations should be developed to provide adequate off-street parking, sign control, and buffering to protect nearby residential areas.
- Suitable landscaping and buffering measures should be required adjacent to property lines and along highway frontages.
- Uses should be regulated to ensure compatibility within the highway commercial cluster and with nearby non-commercial activities.

## ***INDUSTRIAL***

Industrial development includes activities such as processing, manufacturing, assembly, and storage of bulk commodities. Often, industrial development is incompatible in residential areas; however, with proper site treatment, light industrial uses may be suitable at in-town locations. Chesapeake City need only consider a light industrial category in the case of future annexation of the Town.

### **Light Industrial Recommendations**

- Only light industry (processing and assembly) should be permitted in Chesapeake City.
- New light industrial sites should only be located on the fringe of the existing Town area, at major intersections along MD 213, and only where appropriate access control can be achieved. Light industrial activities should not result in excessive vehicular traffic on local access streets.
- New industrial sites should be located in a planned, park-like setting. When a Light Industrial District zoning classification is created, it should include strict design and impact related approval criteria and performance standards.
- As appropriate, landscaping, signage, and other site details on industrial sites and industrial parks should present a positive entrance statement to the community.
- Strict performance standards, including bufferyards, should be utilized to ensure nearby land uses and critical areas are not adversely affected by the industrial site. It is important to concentrate future industrial activities at specific sites in order to preserve the small-town character of Chesapeake City.

## ***PUBLIC/SEMI-PUBLIC***

Public land uses cover a variety of uses for the health, education, safety, and general well-being of the public (e.g. Town offices, post offices). They affect both the living and working environment of all residents.

Although most of the material in this section is more thoroughly discussed in the other elements, public land uses are summarized here to show how they relate to the other types of land uses and other elements of the plan. Once the desired living and working activities are described in the other land use sections, the Town must determine what its responsibilities are in accommodating these land uses and determine how to meet these responsibilities. The utilization of lands for public use, then, supports the planning of residential, commercial, and industrial development.

For purposes of this plan, public land uses are defined as those uses which are owned and controlled by a public body for use of or service to the general public. Semi-public uses are those which are owned and controlled by a private or civic group for the purpose of aiding in the health, education, safety, or general well-being of the public or segment of the public. Unless semi-public facilities are available to the community at large, they will not be discussed beyond the following section.

The demand for public services is heavily dependent upon the anticipated residential, commercial, and industrial land uses. Services will be demanded according to where people wish to live, work, and play. Some of the facilities which people usually ask from a municipality are public water, public sewer, good roads, recreational areas, police, fire protection, and public parking. These are directly used by the public and are, therefore obviously needed.

There are other facilities, however, which are not often requested by local citizens, but are still required for their well-being. Conservation areas and open space along drainage ways do not directly benefit citizens in their daily lives, yet are important in preserving water quality for the general public. City offices for administrative purposes are necessary for the functioning of local government, but are not generally as welcomed as other public services.

### **Public/Semi-Public Land Use Recommendations**

Chesapeake City should ensure that public facilities and services are available to all portions of the Town. Semi-public services, which are owned privately yet considered as meeting a need of the general public, should be guaranteed to be accessible for reasonable public uses. Semi-public facilities which are not available to the general public should not be included in the inventory of public services.

Public services can only be provided according to the community's ability to support the service. Those services that are provided should be utilized to their fullest, including using public lands for multiple purposes.

### ***PARKS AND OPEN SPACES***

Parks and open spaces can serve a multitude of functions in a community. They can provide a source of recreation, act as a focal point in neighborhoods, help define neighborhoods, serve as natural drainageways, and satisfy the aesthetic needs of residents. Usually park and open space facilities in rural communities are provided by schools or semi-public organizations. The Town of Chesapeake City, which is also rural in nature, has similar recreational services.

Chesapeake City is unique in that, for such a small town, it has large federal government land holdings. The land adjacent to the Chesapeake and Delaware Canal are maintained by the Army Corp of Engineers. The Corp provides high maintenance of the canal and related properties and the system of access roads present a unique opportunity for development of facilities for hiking and bicycling. The Town should encourage the further development of a greenways system along the canal on both the North and South sides of the Town of Chesapeake City. Greenways will be discussed further in the Community Facilities chapter.

### ***DESIGNATED GROWTH AREAS***

The Town has identified several areas adjacent to its existing corporate borders for possible future growth and development through annexation (see Growth Areas Map 1A). These areas will provide the Town with a mix of land uses, including residential, commercial and employment centers. A concern of any growth management effort in the Town is the availability of adequate public facilities, particularly sewer and water service. Substantial upgrades to the sewage system would have to be made if future growth and development were to occur in these designated growth areas.

Local governments throughout the mid-Atlantic area using innovative ways to manage waste resources, including applying treated effluent, through spray irrigation, to parks and municipal golf courses as a fertilizer application. Therefore, it is recognized that new growth and development should not be planned for because of existing public facilities, but used as an opportunity to identify innovative ways in which to address the public facilities challenge in the Town of Chesapeake City.

### **Chesapeake City Annexation Areas**

*Employment Center* - Philadelphia Gas and Electric Property has been identified by the Town as a potential employment land use area. A business park or light manufacturing or shipping businesses could be located in this area. This location provides good access to MD 213 and considers potential dualization of MD 213 as an additional opportunity to promote the area as an employment center. Providing adequate local jobs for the residents of the Town of Chesapeake City is a goal, and locating employment uses at this location could provide an additional employment base.

*Residential Growth in North Chesapeake City* - Several properties adjacent to the existing corporate boundaries in North Chesapeake City, east of MD Route 213, provide potential opportunities for expanding quality residential development to the Town. These communities

could utilize proposed transportation improvements (see transportation element) to improve flow of traffic in the Town. The character of new residential developments in recently annexed areas should take into consideration design standards that are intended to insure new residential areas possess the same positive neighborhood characteristics of established residential areas. The streets in new residential areas should connect to the Town's existing grid-street system and provide opportunities to extend the grid beyond the borders of the development. In addition, new residential developments should be required to provide pedestrian and bicycle access to the Town.

*Mixed-Use Development along MD 213 Corridor South of Chesapeake City* - The Town has identified the MD 213 corridor, south of Town, as a potential future development area. Mixed-use development, which includes commercial and residential developments, may be the appropriate type of development in this designated growth area. Special attention should be placed on the quality of commercial and residential development in this area.

*Residential Growth in South Chesapeake City* - The Town has also identified a location east of MD 213 as a potential location for future town residential development. Again, with proposed transportation improvements to South Chesapeake City (see transportation element) residential development will have easy access to major transportation corridors with little impact to the small town quality of Chesapeake City. In addition, the Town recognizes that future development adjacent to its existing corporate borders should be designed so it is compatible with the Town's existing character. Special emphasis in new developments should be placed on connections to the Town's existing grid-street system.

### ***INTER-JURISDICTIONAL COORDINATION***

The Maryland Planning Act of 1992 directs local governments to coordinate their planning and development efforts with adjacent jurisdictions. Among other things, the designated growth areas are shown on this plan because they represent an area of overlapping interest with Cecil County. Efforts should be made by both County and Town to insure that future development in these areas complies with the joint interests of the Town and County for growth management.

In addition to the designated growth areas, there are a number of recommendations and concepts included in this Plan that will require cooperation between the Town and County to achieve. Noteworthy among these are area transportation concepts, including by-pass routing of traffic, extension of the Town's street grid into adjacent County areas and connections with existing State and County roads, and pedestrian facilities such as greenways and bikeways.

## Chesapeake City's Growth Areas Plan - Map 1A



## CHAPTER 4

### TRANSPORTATION

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#### *Goals*

- ◆ Maintain a functional road and street system for the safe, convenient and efficient movement of people, goods and services in a manner which promotes rational land development patterns.
- ◆ Consider the traffic impacts on local residential streets when reviewing proposals for new development in the vicinity which will effect the level of safety and traffic volumes on local neighborhood streets.
- ◆ Examine and attempt to improve parking availability.
- ◆ Improve connectivity between North and South Chesapeake City by planning for alternative modes of transportation (e.g. water taxi, shuttle bus).
- ◆ Divert through traffic from town streets.

#### *Objectives*

- Provide a balance of transportation facilities meeting the needs of Chesapeake City.
- Coordinate various modes of transportation so that they complement each other.
- Establish a transportation network that moves people and goods rapidly, yet safely.
- Require off street parking for businesses and augment this with additional off-street parking for visitors to Chesapeake City.
- Coordinate City, County, State, and Federal efforts in providing an efficient transportation system. For instance, planning for bypass roads to maintain the small town character of the Town in the face of encroaching development from Delaware to the east of the Town.
- Require that the lay-out of new street connections in undeveloped areas assures connectivity to the overall Town street system.
- Maximize the desired use of transportation systems while minimizing possible effects upon neighborhoods, the environment, and the general public.

#### **BACKGROUND**

The location of Chesapeake City, on the Chesapeake and Delaware Canal and close proximity to major north south connector highways, is both beneficial and detrimental to the Town's transportation facilities. The Chesapeake and Delaware Canal has been a large part of the communities rich heritage; it provides waterfront access to Town residents and visitors alike, and provides opportunities for economic growth through water-related activities. However, the Canal also divides the City, splitting and thus requiring duplication of vital Town services and disturbing the general flow of activity. Managing a Town divided is like managing two distinct communities, each requiring its own resources, attention and services. Finally, the ever present potential for canal widening threatens the very character of the Town through the loss of valuable waterfront properties. This situation tends to discourage waterfront development and reinvestment.

The close proximity of the Town to major highways US 40 and I-95 via MD 213, again provides both opportunities and challenges to the Town. Easy access to these major highway corridors provides residents of the Town direct access to major metropolitan areas for shopping, employment and other cultural activities. Additionally, tourists have easy access to the Town to utilize the unique waterfront and small town resources Chesapeake City currently provides. However, this close proximity also increases the amount of Town traffic, creating local congestion, safety issues and conflicts with pedestrian and bicycle traffic. It is also in jarring contrast to the Town's rural character.

The two-lane bridge traversing the Chesapeake and Delaware Canal has, in recent years, been in constant repair often necessitating one way traffic and resulting in traffic backups both south and north bound. With the added vehicle traffic resulting from increased development just east of the Town in Delaware and increased shore traffic, particularly in the summer months, the bridge may no longer serve the area with an efficient transportation route across the canal. In fact, to handle higher levels of traffic there are plans to expand MD 213 to four lanes. This dualization will most likely require a new bridge which may be located away from the Town to handle the traffic flow. Again, the possibility of a new bridge will most likely have a dramatic impact on the Town, one which should be carefully planned for by Chesapeake City citizens and local officials, in cooperation with the State and Federal governments.

Transportation is a critical issue for the Town of Chesapeake City. Its future growth and development is highly dependent upon its transportation policies. The forms and types of future development will be inextricably linked to enhancements and/or improvements to the transportation systems serving Chesapeake City.

### ***CHESAPEAKE CITY'S TRANSPORTATION ISSUES***

The Town of Chesapeake City has identified several transportation issues and challenges that should be addressed through a number of implementation policies and programs. Of the issues discussed, connectivity throughout the Town, traffic volume increases, and lack of parking were identified as priority transportation issues. In addition, other issues of concern were identified

including lack of consistent signage, a need for a streetscaping policy for Town beautification, and the need to improve pedestrian ways.

### *Connectivity*

As stated earlier, the Town is divided by the Chesapeake and Delaware Canal, which impedes the flow of vehicle and pedestrian traffic and eliminates the one town, one community, that Chesapeake City enjoyed for most of its existence. In addition, connecting new residential development streets to the existing Town grid street system is important to maintain a consistent traffic flow and ensure that the neighborhoods are well connected. The Town should consider ways in which to establish a shuttle bus and/or water taxi to increase flow of residents and visitors to both the north and south sides of Town.

New developments on the north and south sides of the canal should be encouraged through zoning and subdivision regulations to provide appropriate connections to the existing street system. The design and lay-out of new streets should provide for the extension of the Town's grid street pattern into and through the development and beyond.

### *Traffic Volume*

Average daily traffic on MD 286 was about 4,000 vehicles per day in 1994. Average daily traffic was approximately 1,100 vehicles per day on MD 285 in 1994. Both roads are currently operating at level of service C or better. However, it is the Town's perception that east-west traffic volumes along MD 285 and MD 286 have increased substantially in recent years, partly as a result of new residential development along the western border of New Castle County, Delaware and Cecil County. Additionally, the average daily traffic on MD 213 was 5,875 in 1996 which is an increase over recent years. Summer average daily traffic along these routes increases even more as travelers from the north seek less congested routes to ocean resorts. Traffic speed and volume, particularly during the summer months, creates unsafe conditions for pedestrians and local motorists in Town and adversely impacts community quality during the peak tourist season.

### *Parking*

The Town of Chesapeake City lacks adequate parking for residents and visitors during the summer tourist season. The lack of parking impedes the community's ability to accommodate more tourist traffic - a critical component of the local economy.

## ***FUNCTIONAL CLASSIFICATION***

The foundation of a long-range street improvement program is a system of classification of the function or level of service the streets and highways are designed to serve. The development of a functional classification system allows for the logical coordination of the system of State and local streets and highways in and around Chesapeake City. Functional classification categories (See Map 3) as represented in Chesapeake City include; 1) an Arterial Highway, 2) Collectors - Minor, and 3) Local Streets.

### ***Arterial Highway***

The highest level of highway service provided to the Town is the arterial system. The primary purpose of all arterial highways is to provide continuous and efficient routes for movement of high volume traffic between towns or major traffic generators particularly that of an intra-state or inter-state nature. Direct access to adjoining land should not be provided except at certain key points. Arterial highways are designed to maintain homogeneous neighborhoods and to serve as boundaries between various neighborhoods. On-street parking should be prohibited. MD 213 is classified as a Minor Arterial.

### ***Collector***

Both minor and major collectors serve a similar function though varying in volume and intensity of use. The primary purpose of the collector system is to collect traffic from local residential streets and provide for the direct movement of traffic to commercial and industrial areas and the arterial highways.

Major collectors connect areas of relatively dense settlement with each other and with other major traffic routes. These streets are intended for inter-neighborhood and through traffic. MD 285 is classified as a Major Collector.

Minor collectors are streets which, in addition to serving abutting properties intercept minor streets, connect with community facilities and are intended primarily to serve neighborhood traffic. MD 286 is considered a Minor Collector.

### ***Local Streets***

Local streets, including cul-de-sacs, are intended primarily to provide access to abutting residential property and are designed to discourage their use by through traffic. Such streets assume light traffic flow. ***All Town-owned streets in Chesapeake City are classified as local streets.***

## ***OTHER TRANSPORTATION FACILITIES***

The Maryland Transit Authority (MTA) operates commuter rail service between Perryville and Penn Station in Baltimore City. The MARC rail service runs from Perryville, Maryland to the MARC and VRE systems via Union Station in Washington, D.C. The MARC commuter rail

service utilizes existing Amtrak rail lines. Passenger service is also available through the Amtrak station located some 20 miles east of the county line in Wilmington, Delaware.

Major trucking routes in the County, include I-95, U.S. 40, U.S. 1, U. S. 301, US 222, MD 213, and MD 273. Average annual daily truck traffic on these routes typically exceeds 15 percent (Source: WILMAPCO Metropolitan Transportation Plan).

Greyhound and Continental Trailways provide bus services in the County, offering daily scheduled stops. Bus connections can be made from Elkton, Rising Sun, North East and Perryville. Public bus service is provided in New Castle County by the Delaware Transit Corporation (DTC). In addition, Cecil County Department of Aging provides transit service for the general public in the Elkton area.

Specialized transit service in Cecil County is provided by a number of small services. These agencies provide services to their client groups, with the exception of the Department of the Aging, which offers services to the general public for a fare. The agencies offering these services include:

- Cecil County Activity Center
- Cecil County Health Department
- Cecil County Community College
- Chesapeake Resources
- David Lokey Horticulture Center
- Department of Social Services
- Maryland Rural Development Corporation
- Nazarene Adult Day Care
- SHARE Community Rehabilitation Program
- Susquehanna Region Private Industry Council
- Union Hospital Medical Adult Day Care Center
- VA Medical Center

The County has many private marinas located on the Chesapeake Bay and its tributaries. The main commercial water transportation route in Cecil County is the Chesapeake and Delaware (C&D) Canal. The C&D Canal is a major link in the east coast inland waterway and connects the Chesapeake Bay to the Delaware River and the Atlantic Ocean. Ocean-going vessels travel through the Elk River and Back Creek en route to and from the C&D Canal daily. Responsibility for the C&D canal rests with the U.S. Corps of Engineers.

Portions of U.S. 1, MD 273, MD 7, and MD 272 are part of the Oakland-to-Ocean City bicycle trail system across Maryland according to the Maryland Bicycle Touring Guide prepared by the Office of Tourism Development and the former Department of Economic and Employment Development. In addition, the Guide lists MD 281 and MD 282 as highways with wide shoulders or wide curb lane and less than 1,000 vehicles per day (Class III bikeways). The county

has no designated bicycle routes offering lane separated facilities (Class I bikeways). Maryland Greenways Atlas includes eight designated potential “Greenways” in Cecil County that include:

1. Chesapeake and Delaware Canal Greenway
2. Elk Creek Greenway
3. Elk Neck Peninsula Greenway
4. Northeast Creek Greenway
5. Octoraro Creek Basin Run Greenway
6. Principio Creek Greenway
7. Susquehanna River Greenway
8. Tri-State Greenway

Only the Susquehanna River Greenway is currently being actively pursued for implementation.

### ***TRANSPORTATION SYSTEM DESIGN***

The street layout largely determines the form of the town. The number of travel lanes, the presence of bike lanes, pedestrian amenities (e.g., benches and shelters), street trees, sidewalks, and the proximity of buildings to the sidewalk determine how comfortable the area is for pedestrians and motorists.

In developing street standards for new development, the Town should not ignore the benefits of alleys and requiring parking lots be located to the rear of buildings. Alleys and rear parking lots maintain attractive streets and sidewalks and move things not particularly attractive, e.g., trash, utility poles, parking spaces, compost piles, and parking to the rear of buildings, thus allowing the buildings and structures to provide a greater sense of enclosure and security.

In the future, the Town’s streets should provide an appealing environment for pedestrians. New streets should be relatively narrow, with sidewalks and street trees on both sides. Major building entrances should face streets, rather than parking lots, to encourage pedestrian use and create a more pleasing streetscape. Frequent intersections and a "slow street" design will keep auto speeds low in residential areas.

Among other things, new development (and minimum development standards) should reflect an awareness of the importance of streets to the quality of life. The Town Plan calls for streets and pedestrian trails that are pleasant to walk along.

Since building and especially maintaining roads is one of the most costly responsibilities of the government, it is important to fully use the transportation system that we have in place. New streets must be designed so as to provide for the logical extension of the Town’s existing grid pattern and reflect the areas functional hierarchy. A road system with many two lane roads works more efficiently than one with a few four and six lane roads. The system with more, but smaller roads, provides more options for getting around for all travelers. The ability of pedestrians to cross lanes or vehicles to make left hand turns is also less complicated and takes

less time on roads with fewer lanes. More road connections allow fewer miles to be traveled saving fuel and reducing pollution. It is in all of the citizens' best interest to add to the road system as needed to maintain straightforward connections for all travelers. This means that the street should be laid-out with consideration for extending the Town's grid system throughout the planning area, as appropriate.

Bike riders need to be encouraged with good bike routes, bike racks at destinations, and showers and lockers at work and school. To encourage people to walk, streets, homes and businesses need to be built in a way that makes streets inviting. The network of pedestrian trails and greenways specifically for the use of pedestrians and bicyclists, should be implemented. This way people will be able to travel safely throughout the Town and adjoining areas without relying on the automobile. These trails should link the neighborhoods with key destinations such as schools, parks, commercial areas, and centers of employment. This will contribute to reducing our dependence on the automobile.

### ***TRANSPORTATION POLICIES***

In creating new transportation policies for the Town and its surroundings, the following transportation policies should be adhered to.

- Promote alternatives to driving alone and encourage the County and State to inform citizens of the public and private monetary and environmental costs of continued dependence on autos.
- Improve coordination with State Highway Administration and DOT to ensure compatible highway uses and ensure safety in high pedestrian traffic locations.
- The Town should encourage business and industry to provide reserved parking spaces for car pools, vanpools, and bicycle racks at office and industrial sites to accommodate and encourage high occupancy vehicle (HOV) commuting.
- The Town should establish street designs for new development that will contribute to reaching the transportation and land use goals of the area, provide safe and efficient mobility for all people, and contribute to the quality of life and civic identity in the area. The street designs for new development should include provisions requiring street trees.
- New collector and local streets will be built by developers according to the developer's site plan in accordance with the Town's subdivision requirements.
- The Town should work with the State and County to coordinate the land use and transportation elements of the Comprehensive Plan with adjacent jurisdictions in order to achieve the reduction in drive alone rates.

- The Town should require that the lay out of new street connections in undeveloped areas assure connectivity to the overall Town street system and State and County systems.
- All developments should have adequate access and circulation for public service vehicles, but actual paved street sections should be as narrow as possible to maintain a human scale (see Illustration).

## ***RECOMMENDATIONS***

The Chesapeake City Transportation Plan is shown on Map 2 and 3 and includes highway and pedestrian system recommendations from a local and regional perspective.

The following are short range and long range transportation improvement recommendations for the Town:

### *Short Term Recommendations*

- Complete a Town-wide sidewalk study in order to identify those sidewalks that need repair or replacement and to identify areas in the Town that need additional pedestrian pathways.
- MD 286 (Second Street) is a hazard to pedestrian traffic in the village center area. Since tourism is such a large part of the local economy, safety of pedestrian traffic must be attained. Therefore, traffic calming devices, such as buffering (vegetation, trees) and/or sidewalks, should be considered extending from Bohemia Avenue east. These devices should be in addition to other traffic reduction measures, such as the bypass route alternatives discussed below.
- Enhance parking capacity in the Town by encouraging new developments to provide public parking and to purchase vacant land to serve as municipal parking.
- The Town should study feasibility of establishing a water taxi service across the C & D Canal.
- Establish a north-side docking area near the end of Bank Street to allow an operator to provide pedestrian shuttle service across the canal.

### *Long Range Recommendations*

- Establish an integrated system of signs which is aesthetically pleasing, functional, informative and which promotes safety for all. Special attention should be paid to signage in the historic district to ensure that it is compatible.



- The Town should accommodate the safe and efficient movement of goods and people, acknowledging the importance of both functions to the long-term economic vitality and livability. It is recommended that the County and State address the need to add additional east-west capacity between MD 213 and the Delaware line north and south of Chesapeake City. Alternative routes that should be considered are:
  - a connecting route between Old Telegraph Road in MD 342 (Augustine Road) in the south; and
  - a connecting route between Knight's Corner Road and MD 213 in the north (See Map 3)
- New Bridge Span - If dualization of MD Rt. 213 occurs it is likely that a new bridge span will be built across the C&D canal to support the new traffic pattern. The Town's Plan recommends a location for the new bridge span (see Area Transportation Plan Map 3). The Town further recommends that if a new span is built, that it provide only north bound or south bound traffic and allow the existing bridge to provide the opposite service across the canal. This ensures, to some degree, that the Town of Chesapeake City will not lose vital financial resources that result from traffic flows on MD Rt. 213. It also ensures, again to some degree, continued access to the Town from MD 213 for residents and tourist alike. Since the Town of Chesapeake City's tourism industry is vital to the health of the community, any realignment to MD Rt. 213 or development of a new bridge span should take into consideration the full impacts on the Town's historical, economic, and environmental health.

### *Pedestrian Systems*

Well connected streets with on-street parking, sidewalks, and street trees on both sides should be encouraged in order make travel around the Town as short as possible, and encourage walking and bicycling. The vision should be a network of attractive, walkable, well connected streets;

Sidewalks are the basic central component of the pedestrian system. Existing sidewalks are shown on Map 2. The Town should undertake a sidewalk study in order to identify those sidewalks that need repair or replacement and to identify areas in the Town that need additional sidewalks.

The Town should support bicyclists and pedestrians by expanding the greenway which provide safe, convenient, and inviting routes and walkways between activity centers. Greenways are protected corridors of open space, maintained in a largely natural state for a variety of purposes, including water quality protection, wildlife habitat enhancement, aesthetic relief, recreation, non-motorized transportation and environmental education. All greenways serve at least one of these primary functions, and most offer some combination. Greenways are often associated with a linear natural feature like a stream, a coast or the ridge of a mountain. Ideally, they incorporate

or link large open space. (Maryland Greenway Atlas, Introduction). Greenway development offers the opportunity to achieve multiple Plan objectives, that include providing:

Chesapeake City Local Transportation Plan - Map 3

## Chesapeake City Regional Transportation Plan - Map 4

- alternative means of travel (walking or bicycle),
- open space,
- recreation,
- environmental protection, and
- tourism/economic development.

A bikeway is any road, path or way which is designed to be open to bicycle travel, regardless of whether it is for the exclusive use of bicycles or shared with other transportation modes. A bike path is physically separated from motorized vehicular traffic by an open space or barrier either within the highway right-of-way or within an independent right-of-way. A bicycle lane is a portion of a roadway which has been designated for preferential use by bicycles and bicycle route is roadway designated for bicycles by signing only. Bike facilities are divided into three bicycle route classifications, namely:

Class I - Path or trail totally separated from roadways.

Class II - Lanes along road sides designated for bicycle traffic.

Class III - Shared roadways with motor vehicles.

*Source: Federal Highway Administration's "Guide for Bicycle Facilities", 1991.*

Existing roads, together with new bikeways can serve as the system to provide bicyclist's travel needs, including recreation biking and commuter biking. Planning for bicycles should be conducted in conjunction with planning for other transportation modes. The following design guidelines are typical criteria for determining the appropriate type of facility for a given county road corridor.

| <b>Design</b>   | <b>Auto Travel<br/>Speeds</b> | <b>Vehicle<br/>Per Day</b> | <b>Percent of<br/>Trucks</b> |
|-----------------|-------------------------------|----------------------------|------------------------------|
| Share roadway   | >25 mph                       | 2,000                      |                              |
| Striped lane    | >40 mph                       | 1,000                      | >5%                          |
| Separated route | <40 mph                       | <1,000                     | <5%                          |

*Source: Accommodating the Pedestrian, Richard K. Untermann, 1984.*

In the future, the Town and County should plan for extension of local bike routes along State and County routes where "loops" through the country side can be created for use by recreational bikers. In addition, bike riders need to be encouraged with good bike routes, bike racks at destinations, and showers and lockers at work and school. The Town should amend their zoning ordinances to require space be provided for parking of bicycles in non-residential developments and permit an appropriate reduction in parking based on the availability of space for parking bicycles. Future widening plans for planned bicycle routes should include right-of-way for

bicycle lanes to provide for a paved lane of eight (minimum) to ten (desirable) feet in width separated by a minimum six foot shoulder wherever possible.

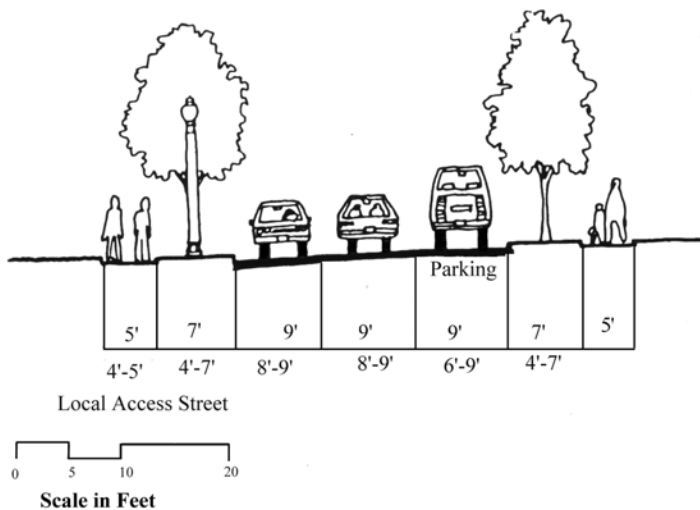
*Illustrated Draft Street Standards, Options and Issues*

The attached draft street standards shown below should be reviewed during development regulation preparation. The range of widths reflects a suggested range to be carefully considered. The policy direction from the Comprehensive Plan should guide the development of the final standards.

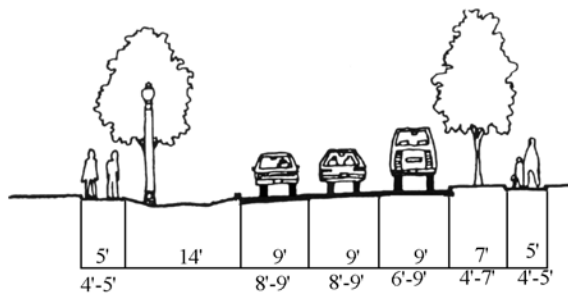
Recommended Minimum Street Standards

| <b>Type of Street</b> | <b>R-O-W Width*</b> | <b>Lane Width**</b> | <b>Parking Width</b> | <b>Sidewalk Width</b> | <b>Planting Strip Width</b> |
|-----------------------|---------------------|---------------------|----------------------|-----------------------|-----------------------------|
| Collector- Minor      | 60' - 64'           | 10' - 12'           | 9' - 10'             | 5' - 7'               | 7' - 10'                    |
| Local Street          | 50' - 62'           | 9'-10'              | 7' - 9'              | 5'                    | 7'                          |

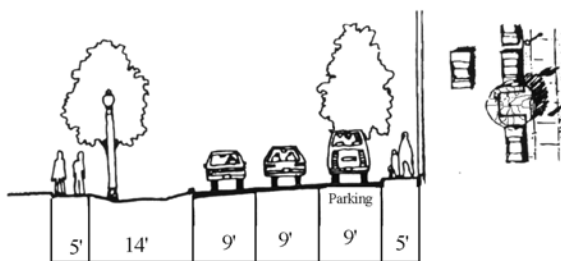
\* R-O-W width will vary depending on design speed and parking configuration (i.e., no parking, one-side parking or two-side parking)



Local Access Street



Local Access Street with Swale



Local Access Street with Access

## **Important Elements**

**Parking** on one or both sides should be an option since this increases the separation between moving vehicles and pedestrians and provides needed parking space for the adjacent uses.

**Street trees and parking strips** are important to the creation of a street that people will be willing to walk on. This is especially important in areas where people are to be encouraged to walk to transit stops, to jobs, or to commercial services. In higher density areas, these streets are essential to the success and liveability of the area.

**Issue:** The broad swale for stormwater widens the street right-of-way and degrades the quality and function of the street for pedestrians. How do the people in this neighborhood get across the street? Underground, back of lot, or shared detention ponds are a preferable option for the "people function" of these neighborhood streets.

An option - landscaping and parking are combined. This creates a street edge, landscaping and parking in a configuration that keeps the street right-of-way narrow.



## CHAPTER 5

### NATURAL RESOURCES AND SENSITIVE AREAS

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#### *Goals*

- ◆ Direct intensive activities away from natural area corridors.
- ◆ Respect the significant natural environment of the Chesapeake City area.
- ◆ Preserve and protect the important natural features of the Town including streams, wooded areas, wildlife habitats, and other sensitive natural areas.
- ◆ Preserve environmentally sensitive areas along the County's and town's waterways.
- ◆ Establish specific development policies for reviewing all development activities within natural corridors, and with respect to impact upon and protection of ground water.
- ◆ Preserve natural drainageways and to provide public access points for maintenance purposes.
- ◆ Encourage preservation and restoration of properties, structures and places in Chesapeake City which are historically and architecturally significant.

#### *Objectives*

- Assess future development proposals in light of the site's physical suitability to accommodate development while protecting natural resources, historic features and the quality of the Town's groundwater.
- Provide specific protection measures for the following areas: 1) Streams and stream buffers, 2) 100-year floodplain, 3) endangered species habitats, and steep slopes (*Note: These areas are already afforded adequate protection under the terms of the Town's Critical Area Program and implementing provisions*).
- Identify wetlands and flood plains in order to provide the special protection they may need.
- Preserve and protect fragile groundwater resources within the Town.
- Identify historic sites and maintain the integrity of these areas of the Town.



## ***BACKGROUND***

The Town of Chesapeake City cherishes its rural character and clean environment with vast surrounding land areas in either large farm operations or undisturbed natural states. The area teems with fish and wildlife and serves as the foundation for an enjoyable rural lifestyle. These irreplaceable natural assets are most important to the health and well being of the Town and to humanity as a whole. Human settlements built across these landscapes will disturb and alter this fragile natural environment. The Town desires that future building development be designed in ways which recognize sensitive natural features, support ecosystems and provide measures to protect and minimize disturbance and damage to these important natural areas.

## ***CHESAPEAKE CITY ENVIRONMENTAL FEATURES***

Chesapeake Bay Watershed - The Town's location, on the Chesapeake and Delaware Canal makes Chesapeake City a part of two major watersheds - the Chesapeake Bay watershed and the Delaware River watershed. Each of these systems provide unique natural and economic value to the region. As part of the Chesapeake Bay watershed, Chesapeake City is one of over 1,650 local governments. The collective efforts of these communities have a dramatic impact on the health of the shallow and sensitive Chesapeake Bay ecosystem. The Chesapeake Bay is considered the most productive estuary in the world and the largest in the United States.

Drainage Basin - As well as being a part of the multi-state Chesapeake Bay and Delaware drainage basins, Chesapeake City is also a part of the Elk River drainage basin and part of the Back Creek sub-drainage basin. North Chesapeake City drains mainly towards the canal, whereas South Chesapeake City drains mainly into the Wolf Creek and Back Creek. A portion South Chesapeake City also drains into the canal.

### ***Topography***

The Town varies in elevation above sea level from 20 to 60 feet. North Chesapeake City slopes in regular intervals towards the Chesapeake and Delaware Canal. South Chesapeake City has topographic low points in and around the Wolf and Back Creeks. Since the topography is gentle, development in these areas has been relatively easy.

### ***Wetlands***

Chesapeake City has marsh and wetland areas in and around the Wolf and Back Creeks and tributaries as well as areas adjacent to the canal. These areas are indicated on the Sensitive Areas Map 4 in the Plan.

## Chesapeake City Sensitive Areas Plan - Map 5

### *Streams and Stream Corridors*

The two major stream systems in Chesapeake City are Wolf Creek and Back Creek. Stream buffers are required along these systems in the Critical Area. These areas are also indicated on the Sensitive Areas Map.

### ***SENSITIVE AREAS***

The Maryland Economic Growth, Resource Protection and Planning Act of 1992 added provisions to Article 66 B of the Annotated Code for the State of Maryland that require this Comprehensive Plan to contain a Sensitive Areas Element which describes how the Town will protect the following sensitive areas:

- Streams and stream buffers;
- 100-year floodplains;
- Habitats of threatened and endangered species; and
- Steep slopes.

Performance standards that protect sensitive resource areas should be included in the Zoning Ordinance and Subdivision Regulations. These standards should establish minimum protection levels for stream valleys, wetlands, forests, wildlife habitats, and sensitive soils.

### *Streams and Stream Buffers*

Streams and their buffers are important resources. Streams support recreational fishing and serve as spawning areas for commercial fish stock. Development near stream areas subject to flooding can result in the loss of life and property. Streams and their adjacent buffers are home to countless species of animals and plants and transport valuable nutrients, minerals and vitamins to rivers and creeks and, in turn, the Chesapeake Bay. The floodplains, wetlands, and wooded slopes along streams are important parts of the stream ecosystem.

As development activity consumes large amounts of land, forest cover and natural vegetation along streams are diminished. The cumulative loss of open space and natural growth reduces the ability of remaining land along streams to buffer the effects of greater stormwater runoff, sedimentation, and higher levels of nutrient pollution. Buffers serve as protection zones when located adjacent to streams and reduce sediment, nitrogen, phosphorous, and other runoff pollutants by acting as a filter, thus minimizing stream damage. The effectiveness of buffers to protect stream water quality is influenced by their width (which should take into account such factors as contiguous or nearby slopes, soil erodibility, and adjacent wetlands or floodplains), the type of vegetation within the buffer (some plants are more effective at nutrient uptake than others), and maintenance of the buffer.

Buffers also provide habitat for wetland and upland plants which form the basis of healthy biological communities. A wide variety of animals use the natural vegetation as a corridor for food and cover. A natural buffer system provides connections between remaining patches of forest in the area to support wildlife movement.

### *100-Year Floodplains*

Some areas are subject to periodic flooding which pose risks to public health and safety, and potential loss of property. Flood losses and flood-related losses are created by inappropriately located structures which are inadequately elevated or otherwise unprotected and vulnerable to floods or by development which increases flood damage to other lands or development. While protection of life and property provided the initial basis for protection of floodplains, there has been a growing recognition in recent years that limiting disturbances within floodplains can serve a variety of additional functions with important public purposes and benefits.

Floodplains moderate and store floodwaters, absorb wave energies, and reduce erosion and sedimentation. Wetlands found within floodplains help maintain water quality, recharge groundwater supplies, protect fisheries, and provide habitat and natural corridors for wildlife. The minimum requirements of the National Flood Insurance Program do not prohibit development within the 100-year floodplain from development. However, to adhere to the minimum Federal requirements, development and new structures in the floodplain must meet certain flood protection measures including elevating the first floor of structures a minimum of one foot above 100-year flood elevations and utilizing specified flood proof construction techniques.

### *Habitats of Threatened and Endangered Species*

Materials and chemicals produced by plants and animals are a largely unresearched storehouse for products beneficial to people. More than half of all medicines in use today can be traced to wild organisms. Plant chemicals are the sole or major ingredient in 25 percent of all prescriptions written in the United States each year. Likewise, agriculture depends on the development of new varieties of crops, often created by cross-breeding strains with wild relatives of crop species, in efforts to develop pest, disease, or drought resistant crops. Maintenance of biological diversity today sustains future opportunities to advance health care and provide a number of other societal benefits.

Habitat destruction and degradation is currently estimated to threaten some 400 native Maryland species with extinction. The key to protecting threatened and endangered species is protecting the habitat in which they exist.

The Maryland Nongame and Endangered Species Conservation Act (Natural Resources Article, 10-2A-01 through 06) provides definitions of threatened and endangered species. Maryland law and regulations do not currently provide a definition of habitat. As a basis for establishing protection measures for habitats of threatened and endangered species, habitat is defined in this

Plan as “areas which, due to their physical or biological features, provide important elements for the maintenance, expansion and long-term survival of threatened and endangered species listed in COMAR 08.03.08. Such areas may include breeding, feeding, resting, migratory, or overwintering areas”.

### *Steep Slopes*

Slopes provide an environment that facilitates movement of soil and pollutants when land disturbances occur. Control of erosion potential is usually achieved through regulation of development on steep slopes because such areas represent the greatest opportunity for accelerated soil loss and resultant sedimentation and pollution to streams. For regulatory purposes, steep slopes include any slope with a grade of 25 percent or more covering a contiguous area of 10,000 square feet or more.

## **CHESAPEAKE BAY CRITICAL AREA**

The Chesapeake Bay Critical Area Protection Program (Natural Resources Article 8-1801-8-1816) was passed by the Maryland General Assembly in 1984 because of concern for the decline in the natural resources of the Chesapeake Bay. The Chesapeake Bay Critical Areas Legislation consists of the following three goals:

- To minimize adverse impacts on water quality that result from high nutrient loadings in runoff from surrounding lands or from pollutants that are discharged from structures;
- To conserve fish, wildlife, and plant habitats; and
- To establish land use policies for development locating within the Chesapeake Bay Critical Area that accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create environmental impacts.

The State Critical Area Program established land-use policies within the Critical Area to address matters of development and accommodate growth. Chesapeake City was required to formulate site-specific development objectives and procedures to eliminate or minimize impacts to the Critical Area which is defined as all land located 1,000 feet landward of tidal waters or tidal wetlands. These objectives and their implementing regulations were adopted by the Town in 1988. The Town’s Critical Areas Boundary is mapped on the Map 2 Land Use. Among the elements of land use development that are addressed in these Critical Area Programs are:

- Buffer areas;
- Land cover;
- Impervious surfaces;
- Water access;
- Wildlife Habitat

- Setbacks;
- Open space; and
- Recreation areas.

Many of the Critical Area requirements are performance standards that developers and other land uses are required to achieve. These standards affect such things as total impervious surface area, forest clearing, and density.

The following is a brief description of each of the land use zones in the Critical Areas Program:

*Intensely Developed Areas (IDA)* - IDA's are characterized by commercial, industrial, or high density residential uses and are areas where relatively little natural habitat occurs. New intense development in the Critical Area should be directed in or near existing Intensely Developed Areas provided that water quality is improved over pre-existing development levels, habitat protection areas are conserved, and the expansion of intense development into Resource Conservation Areas is minimized. Likewise, any currently existing adverse impacts on water quality should be mitigated.

Intensely Developed Areas, as defined by the criteria have at least one of the following features as of December 1, 1985:

- housing density equal to or greater than four dwelling units per acre
- industrial, institutional, or commercial uses are concentrated in the area; or
- public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

In addition, these features shall be concentrated in an area of at least 20 adjacent acres, or the entire upland portion of the Critical Area within the boundary of a municipality, whichever is less.

*Limited Development Areas (LDA)* - LDA's are characterized by low to moderately intense land uses (residential, commercial and/or business), and that contain areas of natural plant and wildlife habitat. The quality of runoff from these areas has not been significantly degraded or altered. The intention of the Critical Area Law is to allow continued development in LDA's at an equal or lesser density so as not to change the prevailing character of the area as identified by the density and land use. The development proposed also must be sensitive to the protection of habitat, and serve to improve runoff and groundwater entering the Chesapeake Bay.

Limited Development Areas as defined by Critical Area Law (COMAR 14.15.02.04) have at least one of the following features:

- Housing density ranging from one dwelling unit per 5 acres up to four dwelling units per acre;
- Areas not dominated by agriculture land, surface water, or open space; wetland, forest, barren;
- Areas of less than 20 acres where residential, commercial, institutional, and/or industrial developed land uses predominate; and where relatively little natural habitat occurs. These areas shall have at least one of the following features:
  - housing density equal to or greater than four dwelling units per acre;
  - industrial, institutional, or commercial uses that are concentrated in the area; or
  - public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.
- Areas having public sewer or public water or both.

*Resource Conservation Areas (RCA)* - RCA's are characterized as undeveloped lands, dominated by agricultural uses, forest cover and wetlands, supporting resource utilization and recreation activities.

Resource Conservation Areas, as defined by the Law are areas characterized by nature-dominated environments and resource utilization activities. These areas shall have at least one of the following features:

- density is less than one dwelling unit per 5 acres; or
- dominant land use is in agriculture, wetland, forest, barren land, surface water or open space.

### ***FOREST CONSERVATION ACT***

The Forest Conservation Act of 1991 (Natural Resources Article Sections 5-1601-5-1613) was enacted to protect the forests of Maryland by making forest conditions and character an integral part of the site planning process. It is regulated by the Maryland Department of Natural Resources, but implemented and administered by local governments. The Forest Conservation Act seeks to maximize the benefits of forests and slow the loss of forest land in Maryland, while allowing development to take place.

### ***RECOMMENDATIONS***

#### *Land Use Ordinances and Regulations*

The Town will require that major subdivision and development proposals incorporate design measures which will identify and reduce, to the extent practical, impacts on sensitive natural features. The clustering of development on a portion of the development site and reserving the remainder of the site in open space serves to reduce the amount of infrastructure and its associated impacts and allows sensitive natural areas to be placed in much less disturbed open space areas. To the extent practical, wetlands, woodlands and other sensitive natural areas will remain in open space areas. Stream beds, ponds and other important surface water features will be buffered with trees and native vegetation. Building and clearing activities in floodplains, wetlands, steep slopes and highly erodible soils will be avoided, wherever possible. Storm water runoff from impervious surfaces will be properly managed and infiltrated. Sediment and erosion control during and after construction will be practiced. Maintaining and enhancing wildlife corridors and habitat will be encouraged. Lands set aside for buffering and natural resources protection can be deducted from the open space requirement up to a maximum of 70 percent of the open space requirement.

### *Forest Cover Protection*

The Town of Chesapeake City should prepare and adopt, as part of its Zoning Ordinance, a Forest Conservation Ordinance that requires that all land development limit clearing of natural vegetation and retain specimen trees to the extent possible, as determined by a forest stand delineation study.

The Forest Conservation Ordinance should require that a person making an application for subdivision, site plan approval, project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater must submit to the Town a forest stand delineation and a forest conservation plan for the lot or parcel on which the development is located. The ordinance establishes forest conservation thresholds for all land use categories. The forest conservation threshold sets the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for each acre removed above the threshold to a ratio of 2 acres planted for each acre removed below the threshold.

After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision, site plan or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan must provide for reforestation or payment into the forest conservation fund, consistent with the following forest conservation threshold for the applicable land use category:

| <b>Category of Use</b>          | <b>Threshold Percentage</b> |
|---------------------------------|-----------------------------|
| Agricultural and resource areas | 50 percent                  |
| Institutional development areas | 20 percent                  |
| High density residential areas  | 20 percent                  |



| <b>Category of Use</b>                       | <b>Threshold Percentage</b> |
|--|-----------------------------|
| Mixed use and planned unit development areas | 15 percent                  |
| Commercial and industrial use area           | 15 percent                  |

Each acre of forest retained on the net tract area above the applicable forest conservation threshold will be credited towards the total number of acres required to be reforested for all existing forest cover cleared on the net tract area below the applicable forest conservation threshold. The area of forest removed shall be reforested at a ratio of two acres planted for each acre removed below the threshold.

If little or no forest exists in the site the applicant must conduct afforestation on the lot or parcel. An agriculture or resource area tract having less than twenty percent of the net tract area in forest cover must be afforested up to at least twenty percent of the net tract area. Institutional development areas, high density residential areas, mixed use and planned unit development areas, and commercial and industrial use areas with less than fifteen percent of its net tract area in forest cover must be afforested up to at least fifteen percent of the net tract area. The Forest Conservation Ordinance should apply on all land outside of the Critical Area. Land within the Town's Critical Area is subject to the provisions of the Town's Critical Area Ordinance consistent with the requirements of the State's Chesapeake Bay Critical Area Program.

#### *Floodplain Protection*

Although the Town does have a floodplain map, currently a Floodplain Management Ordinance does not exist. The Town of Chesapeake City should prepare and adopt a Floodplain Management Ordinance consistent with Federal requirements. Additionally, the Town, as part of its Floodplain Management Ordinance, should prohibit new development, new platted lots and substantial improvements to existing structures in the 100 year floodplain.

#### *Stormwater Management*

**Creation of Impervious Surfaces** - All land development should be encouraged to minimize impervious surfaces through good site design, use of impervious surfaces where use by people or vehicles is infrequent, and full utilization of height limits on structures.

### *Chesapeake Bay Critical Area*

The provisions of the Town's City Chesapeake Bay Critical Area Program are currently implemented through the Chesapeake City Critical Area Program and Critical Area Maps. Since the original Chesapeake Bay Critical Area Program was adopted in 1988 several legislative and policy changes have occurred at the State level. In addition, the Town is required to update its Critical Area Program and implementing provision every four years. It is recommended that the Town of Chesapeake City revise its Critical Area Program as per the State requirements. At the time of the update the Town may want to consider making the Critical Area development performance standards applying to steep slopes, stream buffers and habitat protection areas applicable to all properties.

### *Mineral Resources*

The Town currently permits mining of sand and gravel on government-owned property only. The Zoning Ordinance requires that the mined areas shall be rehabilitated upon completion. Mineral extraction uses are not permitted elsewhere. When the Town updates its Zoning Ordinance, it is recommended that mineral extraction uses be prohibited everywhere in the Town or the Zoning Ordinance revised to include current standards for regulation of these activities similar to those used by Cecil County in the MEB zone. If the Town opts for the later recommendation, the Town Critical Area implementation provisions should be revised consistent with the Critical Area Criteria as they relate to mineral extraction and processing.

The Town recognizes that while a Mineral Resources Element is required under Article 66B, there is no mining activity nor any known mineral resources within the Town's corporate limits.

## CHAPTER 6

### HISTORIC FEATURES

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#### *Goals*

- ◆ Preserve all Town historical structures.
- ◆ Encourage the revitalization of historical structures that require attention.
- ◆ Promote a strong sense of community pride for Town residents;
- ◆ Encourage community revitalization through the renovation or adaptive reuse of older structures;
- ◆ Increased property values and tax revenues as a result of renovation and restoration; and
- ◆ Increased revenues generated from tourism.

#### *Objectives*

- Support the promotion of historic sites through tourism efforts and business services that are complementary to historic areas.
- Support the efforts of preservation and cultural organizations in the Town and encourages open communications between those same organizations.
- Encourages school and community participation in historical resource management programs through education and public awareness.
- Encourage identification, preservation, and restoration of historic buildings within the Town, regardless of location.
- Seek out Federal and State funding programs which might be used to assist restoration and upkeep of the buildings.

## ***HISTORICAL BACKGROUND***

Chesapeake City is truly an historic 19<sup>th</sup> century town. When the Chesapeake & Delaware Canal was completed in 1829, it was reported in the log of a traveler that two buildings existed at what was then referred to as Bohemia Village. The village grew as canal traffic increased, and particularly during the last quarter of the 19<sup>th</sup> century the town experienced prosperous times. This resulted in the construction of many fine shops, elegant homes, and stately churches which still exist today. It is these structures, along with a variety of small working class houses that form the core of the town's South Chesapeake City Historic District.

It is interesting to understand why so much of the historic district remains in tack. The town grew as the result of a former lock that existed at Chesapeake City which required all vessels traversing the canal to stop and be "locked" through. The waiting crews and passengers would often debark and shop in the town, and this precipitated a lively commercial district for the residents as well as those living in the surrounding areas.

In 1927 the canal was made a toll free sea level waterway and no longer did ship have to stop, but increasing automobile traffic through the town sustained the economy. North/south vehicular traffic would have to cross the vertical lift bridge which connected Lock Street on the north side with George Street on the south, and often would stop for gas or food. In addition during the 1930s and 40s the town was busy on Saturday nights with farmers and county residents coming from nearby areas to obtain weekly provisions.

However, in 1942 a passing tanker, *Frans Klassen*, destroyed the vertical lift bridge and a ferry was pressed into service to carry passengers and vehicles across the canal. When the current steel high arch bridge was completed in 1949, the town was effectively bypassed and slowly declined. As there was little economic reason to tear down old structures and build new, the existing buildings remained, but in many cases showed signs of neglect. Some homes, however, were well maintained so the town was a patchwork of well-kept and drab structures with nearly all capable of being saved. In 1973 a Wilmington historical architect visited the town and provided this description:

"South Chesapeake City is unique in its location along the canal and has a special character because of its size, its nineteenth century architectural heritage, and the fact it has not been ruined by twentieth century progress"

This description along with a threat by a group to tear down several of historic structures prompted a group heritage-minded individuals to petition for listing on the national register. The district was listed on *The National Register of Historic Places* in 1974, and is described as:

An extensive historical district, currently confined to South Chesapeake City. The 19th and 20th Century commercial and residential area contains numerous frame and brick structures in a wide variety of styles including Federal, Greek Revival, Italianate, and the Victorian modes. The

Historic District is located at the end of the early lock canal, completed by the Chesapeake and Delaware Canal Company in 1829, to support commercial and industrial activities supported by the canal.

There are currently 126 historical properties in the Town's Historic District. These properties include residential, commercial and public and semi-public structures. Although the Historic District is currently confined to South Chesapeake City, there are several significant historical structures in North Chesapeake City, hence the recommendation to consider expansion of the Historic District.

The district encompasses an area about four blocks by three blocks which is approximately bounded on the west by the shadow of the Route 213 bridge from St. Augustine Road to the canal; on the north by a strip of U.S. Government property which parallels the canal; and on the east and south by Wolf Creek which empties into the anchorage basin under Second Street just west of Ferry Slip Road, and being fed by a stream that passes under George Street at St. Augustine Road.

Another way of envisioning the area encompassed by the district is recognizing that all properties with addresses on Bohemia Avenue, Pine and Charles Streets; and properties between St. Augustine Road and the canal on George Street lie within the historic district. Further there are a few other locations with addresses on First, Second, Third and Fourth Streets that are included as well.

In addition there exist many structures on the north side of town that are historic. Unfortunately a canal widening of the 1960s required that an entire block on the north side, Lewis (Canal) Street be demolished causing the loss of about 30 historic houses and the disruption of the families who occupied them. One of the objectives of this plan is to encourage the identification, preservation and restoration of all historic structures regardless of location in the town.

History can be kept alive through education and preservation, both of which can take many forms and vary in intensity. Old homes can be restored such that they are comfortable homes of today or they could be refurbished as an office. Historic sites can honor the past while providing a place for leisure activities. An old church can still hold worship services similar to those held one hundred years ago. A number of programs exist to help individuals and groups temporarily or permanently protect sites and structures considered significant. The past is a building block for the future and, if a plan is to be comprehensive, it must incorporate that past as a key element of planning for the future.

Historic preservation is a program which involves the inventorying, researching, restoration, and ongoing protection of sites and structures having a significant local or national historic interest. Continued historic and cultural resource preservation and enhancement through sensitive land use planning and other administrative means would provide Chesapeake City with a number of benefits including:

- Promotion of a strong sense of community pride for Town residents;
- Community revitalization through the renovation or adaptive reuse of older structures;
- Increased property values and tax revenues as a result of renovation and restoration; and
- Increased revenues generated from tourism.

There are a number of structures and sites within the Town that are of historic, cultural, or architectural significance. These structures, given proper concern and recognition, have tremendous potential to serve as physical reminders of the history and heritage of our past.

In recent years, there has been considerable public concern that the vestiges of our heritage will be irretrievably lost. It has been found that an active historic and architectural preservation program could have beneficial social, economic and aesthetic impacts on the area. Therefore, rather than permit demolition, destruction, or abandonment of our rich heritage, an active historic preservation program is recommended. Such a program should permit the continued use of the identified sites and structures while simultaneously discouraging inappropriate exterior alterations. The development of a Historic Preservation Program for the Town should be the result of a cooperative effort between the public and private sectors of the community.

### ***CHESAPEAKE CITY HISTORIC DISTRICT COMMISSION - A VISION STATEMENT***

The Chesapeake City Historic District Commission has as its principal objective to work closely with the owners of historic properties to:

- Encourage that properties be maintained;
- Encourage rundown properties to be restored;
- Encourage additions to be compatible with the existing structure and streetscape.

By completing actions that achieve these objectives, have the Historic District recognized as a premier example of middle to late 19th Century architecture into the next decade.

The existing Chesapeake City Zoning Ordinance provides for an Historic District Area Commission charged with the responsibility to approve all changes to the exterior of structures in the historic district with the objectives of maintaining the town's heritage and quality of life. To provide a framework around which individual decisions can be made that guide preservation and restoration of historic buildings, the Commission has adopted the following Vision Statement:

### ***SIGNIFICANT HISTORICAL STRUCTURES***

The following historic structures have significant historical value or are historic structures of concern to the Town of Chesapeake City:

**1. FRANKLIN HALL**, c.1870, 98 Bohemia Ave. About 1870 Thomas Conrey built this commercial structure and it remains the most substantial brick building in town. Restoration of this high-style Romanesque structure was started in 1974 and the building was dedicated in

November 1976. Observe the arched front windows and the asymmetrical panes on the second floor, the brick dentil and the four-paned circular window in the gable. The building is owned by the Chesapeake City District Civic Association and serves as the cultural center for the area. In the rear of the first floor are handicapped accessible public restrooms and a library.

**2. THE PELL GARDENS**, c.1982, Bohemia Ave. & Rees Wharf Rd. Nearby this site was the location of a warehouse, as boats and ships off-loaded and took-on cargo before going through the lock canal. Several buildings: a triplex house, Beiswanger's Store (also the town's first telephone exchange) and a law office were located here. They were removed in the early 1970's and today. The garden is open to the public and is owned by the Chesapeake City District Civic Association.

**3. CROPPER HOUSE**, c.1833, 19 Bohemia Ave. Originally a single room house, Kendall Cropper occupied the structure in 1833. Over the years, the building has been a tin shop, a pool hall and a post office. The beaded weatherboard siding is a recent addition, as well as the 6 over 9 pane (6/9) sash windows on the first floor.

**4. RILEY HOUSE**, c.1831, 17 Bohemia Ave. Mr. William Riley of Worcester County, Maryland, purchased this property in 1831. This structure was used primarily as a dwelling until the early 20th century when Andrew Slicher, a shoemaker who owned the house next door used the building as a shop. The rafters over the porch extend beyond the fascia and are cut to resemble brackets. Between the rafters on the fascia are applied scallops.

**5. CAPT. LAYMAN HOUSE**, c.1830, 13 Bohemia Ave. Captain Layman is the first owner of record of this house and while not owning the Bayard House Hotel next door, he was the proprietor of the business from mid-1850 to his death in 1881. This house adjoins the brick walls of the old hotel and has been restored with 6 over 6 pane (6/6) sash windows similar to the original.

**6. BAYARD HOUSE**, c.1835, 11 Bohemia Ave. After Richard H. Bayard acquired the property in 1842 it was operated until 1881 as the Bayard House advertising, "First-class accommodations for Man and Beast". In 1911 William Harriott acquired the property and it was operated as Harriott's Hotel. Later it passed into the Battersby family and in 1984 to the present owners. In 1985 it reopened as the Bayard House Restaurant. The first story windows have 12 over 12 pane (12/12) sash, while the second floor have 12/8 sash.

**7. WHARF PROPERTY**, c.1849, 10 Bohemia at the canal. Just behind this property was the site for a storehouse for cargo being shipped through the canal. Barges, bugeyes and sailboats were tied here, and unloaded and loaded, with products bound to and from Baltimore and Philadelphia. Many products such as coal and lumber were shipped in and produce such as tomatoes, peaches, potatoes, melons, wheat and corn were stored here to be shipped out.

**11. J. M. REED STORE**, c.1861, 100 Bohemia Ave. The best example of mid-19th century commercial architecture, Reed's, according to advertisements, had the best selection of goods in

town. In a room above the store, the Chesapeake City Volunteer Fire Company was organized in 1911. The original shutters can be seen adjacent to the protruding windows, and on the south side, under plexiglass, can still be seen the word, "Groceries".

**12. HAGER-KINTER HOUSE**, c.1915, 103 Bohemia Ave. This home is a Sears-Roebuck kit house that was constructed on this site by Harry (Henry) Hager and his wife Louisa. With a form akin to the Queen Anne style, this is an essentially large rectangular structure with gables, pavilions and porches added.. Three windows have leaded stained glass. The original raised-seam tin roof remains.

**13. BRADY-REES HOUSE**, c.1870, 102 Bohemia Ave. Henry H. Brady bought this property from James A. Bouldin in 1869. It is the most decorated house on the street with Italianate and stick style embellishments and is fronted by a fine cast iron fence, a brick walk and granite retaining walls. The front first floor windows have 4/6 sash, with 4/4 above, and 6/6 in the gable.

**13A. BRADY-REES OFFICE**, c.1870, 102 Bohemia Ave. This office provides an interesting break in the street scape along Bohemia Avenue. It is important as the office of Henry Brady, the owner of a fleet of tug boats, that pulled barges through the canal. After Brady died, Ralph Rees used the office to sell insurance. It remains as the only existing 19th century private office in Chesapeake City. The building is a small square structure with a lean-to porch on the front that is supported by two chamfer posts with brackets at the top.

**14. TOWN HALL**, c.1903, 109 Bohemia Ave. Creating the feeling of solidarity, this structure was designed and constructed of nearby Port Deposit granite by a local architect and builder, Levi Oldham Cameron, for use by the National Bank of Chesapeake City. This is the only totally granite building in town and has a decorative tin fascia with dentil below the cornice. To the right of the tower is a Mansard roof covered with slate. Iron bars protect the 1/1 sash except at the top. Since 1985, after the bank moved to outside of town, the building has been used as the town hall.

**15. REES STORE**, c.1914, 108 Bohemia Ave. Built on the site of a rose garden in the early part of the 20th century, this corner was a good location for a hardware store, garage and automobile dealership. Later it was an American store (groceries) and a second hand shop. The facade rises two stories with wedged center 2/2 sash windows and is covered by pressed tin in a stone pattern. At the top, on each corner, are finials with the shell pattern.

**16. MARTIN-QUECK HOUSE**, c.1840, 201 Bohemia Ave. E. J. Colmary, a ship captain, built a portion of this house around 1840. William A. Queck acquired the property in 1899 and operated a bakery that was famous in the district. As the house was remodeled in the 1880's and 90's with typical gables of that period, the original detail has been lost.

**17. SAWTELL'S DRUG STORE**, c.1917, 200 Bohemia Ave. The Dunning family started operating a drug store at this location about 1861 and in the early 1900's the Alexander's



operated a drug store here. The current building was constructed about 1917, and when the business was destroyed by fire around 1925, it was rebuilt by Mr. Sawtell. This rough textured stucco, or pebble dash, building has corner brick piers extending to the second floor cornice. At the ridge of the hip roof is a hip roof lantern having lights on two sides. The post office was located here from 1949 until February 1981, when it was moved outside of town. The old post office sign is displayed inside.

**18. Dr. SMITTERS HOUSE**, c.1848, 204 Bohemia Ave. This Greek Revival style house was built by Firman Layman, probably as the inscription on the eve shows, in 1848. In 1911 it passed to Waitman Smitters who was a toll collector on the canal, and later superintendent of the canal. A descendent of his, Delmar Smitters, served the community as a dentist and it is for him the house is named. The porch is supported by three handsome turned posts with balustrade between. The cornice has a row of dentils between the down spout boxes, which bear the date 1848. One of the best restored properties in town.

**19. CONREY HOUSE**, c.1870, 216 Bohemia Ave. Built by Thomas Conrey as a dwelling, he also built Franklin Hall (No. 1), both of which are made of similar brick laid in a similar bond. The most decorative feature of this house is the Mansard roof which was not popular until the 1860's. The roof is punctuated by two west side and one southside eyebrow dormers, and has seven rows of imbricated (fishscale) slate shingles.

**20. BOUCHELLE STORE**, c.1896, 222 Bohemia Ave. Henrietta and Byron Bouchelle acquired this property in 1896 and tore down the existing house. They had Mr. F. L. Griffin, whose name was penciled under one of the stair treads, build this tin-front store for their dry goods business. At the corners are cast iron pilasters with flutes, beads, rosettes and acanthus leaves. The iron predates the building, therefore, must have been used.

**23. THE BLUE MAX**, c.1854, 300 Bohemia Ave. William Lindsey, one of three brothers who operated a sawmill on the causeway, built this house around 1854.. In the 1970's Jack Hunter, author of the novel *The Blue Max* lived here with his wife Tommie, who ran an antique store in the building. One of the larger houses on the block, the structure has a two story gallery on the west side.

**24. TRINITY CHURCH**, c.1889, 400 Third St. A Victorian Gothic architecture in a town of essentially vernacular buildings, this Port Deposit granite structure, with brick arches, creates a focal point along Third Street.

**25. BOUCHELLE-COOLING HOUSE**, c.1880, 320 Bohemia Ave. A Victorian Gothic residence built for Harry Bouchelle who operated a store in town. A transom with a dentil course at the bottom and sidelights surround the door which is flanked by windows having 2/2 sashes. Previously there were shutters on the windows and brackets on the posts. A center gable has a mitered arch window and brackets with drop finials below the cornice.

**27. COOLING-DeSHANE HOUSE**, c.1858, 309 George St. Located on a knoll, this house has served as the gracious home of Sarah E. DeShane, who leased the lot from Richard H. Bayard in 1858. It would appear that the first floor windows have been lengthened because they are larger and have 1/1 sash and different trim. The graceful semi-circular porch is 20th century work, and has recently been lovingly and authentically restored.

**28. CHURCH OF THE GOOD SHEPHERD**, c.1883, 310 George St. Concentrated by Bishop Henry C. Lay on March 29, 1883, this church is a very well designed and executed Victorian Gothic chapel, typical of the 1880's. Having been altered little during its existence, it remains a gem within the town. This handsome brick Victorian Gothic structure has a steeply pitched roof, below which there is a covered entrance supported with turned posts resting on brick piers.

**29. DAVIS HOUSE**, c.1874, 301 George St. Architecturally the Davis House is the most pretentious Italianate dwelling in Chesapeake City. The Independent Order of the Odd Fellows, Bohemia Lodge No. 68, acquired the land from the Bayard's in 1854 and constructed a two story frame school which was added onto during the following years. In 1926, the property was sold at auction to Mrs. Harry Howard. Eloise Howard, daughter of Mr. and Mrs. Harry Howard married Dr. H. V. Davis in October 1937 and in 1938 the parlor on the left front was divided to provide space for Dr. Davis who maintained his offices there until he retired in 1978.

**30. SAVIN HOUSE**, c.1848, 225 George St. About 1848 Lambert D. Nowland was assigned a 99 year lease from Richard H. Bayard, who probably built a two story house at that time. In 1873 David Palmer added the third story. Later it was occupied by Joseph and Ella Savin, for whom the house is named.

**31. PEAPER HOUSE**, c.1853, 226 George St. On an important corner in town, this home has a good porch view of the church and activity along George Street. It was probably occupied by boatmen on the canal. In 1994/95 it was restored with the balustrade in the front and side being replaced and the kitchen in the rear being rebuilt. On the Third Street side, is a fretwork barge board and a 2/6 sash window in the gable. The front hip-roofed porch is supported by four tapered square paneled posts.

**33. BEISWANGER SHOP**, c.1896, 208 George St. Absolom Cropper, son of Kendall Cropper (see No.3) was the first owner of record of this structure that was built for a small business. Over the years it has been a printer's shop, an undertaker's parlor, a harness shop, a blacksmith's shop and an ice cream parlor. When the canal was deepened and widened in the 1925-26 time frame, Beiswanger Bakery moved here. Built as a commercial structure, it has a center door flanked each side by protruding display windows. The four center panes are square with those to the side rectangular. The original tin roof has been covered with wooden shingles, and the hexagonal-shaped, six-pane gable window is a recent addition.

**34. KARSNER COTTAGE**, c.1854, 211 George St. This tenant house was built by William H. Loudon about 1854. It has the distinction of being the smallest dwelling in town and its red shutters and red painted raised-seam tin roof set it off from the rest of the houses on the block.

**44. COLOURED SCHOOL HOUSE**, c. 1860, 105 Pine St. This building is the oldest still standing school built for the black community in Cecil County. Sophia Bayard donated the land for the construction of the school in 1860, and it was used until schools were integrated.

**45. BETHEL A.M.E. CHURCH**, c.1873, 300 Second St. The only church in town with a Greek Revival design, the building retains much of its original detail from the time it was constructed in 1873. Since its beginning, services have been held continuously. A white corner stone in the left side of the front foundation bears the letters: A.M.E. CHURCH 1873. In the middle front above the door, is a four pane round window abutting a paneled frieze extending from both sides around the building. The 9/9 sash windows have translucent panes and may have been painted with religious scenes at one time. The church has a small congregation which worships every Sunday.

### ***NORTH SIDE CHESAPEAKE CITY***

**Sisters of St. Basil**, c.1911, Lock Street. This house served as an orphanage until about 20 years ago. In addition to the three story dwelling, adorned with a cross above the front entrance, there are a number of out buildings normally associated with a working farm.

**St. Rose of Lima Catholic Church**, c.1875, began as a mission station in 1844 and the church was dedicated on June 20, 1875. It served German and Irish immigrants who came to this area to work on the canal. Above the arched door is a circular window with 12 equal-size pie-shaped panes and a round 13th pane bearing a stained glass cross in the center.

**Charles Schaefer House**, c.1888, 246 Biddle Street. When it was built by Charles Schaefer in 1888, it was much smaller and has been enlarged over the years. . This two story dwelling has a front gable with delicate pierced fretwork. Octagonal posts support a one story front porch with turned balustrade between. At the ridge is a short brick chimney decorated with two terra cotta chimney pots. An attractive square topped picket fence encloses the property.

**Municipal Building**, c.1911, Biddle Street. Covered with painted tapered clapboard, at the time of construction, this two story frame structure was located on the causeway (land between the canal and then Broad Creek). It was moved here in about 1926 during the time the canal was being made sea level. The building has its original raised-seam tin roof. After being purchased by the town, it served as the Chesapeake City Municipal Building from the early 1970's to 1984 and was simply known as Town Hall. There are plans being considered to restore the structure and use it as a museum or interpretive center.

**McNulty House**, c.1845, 204 Bank Street. . Built in the mid-1880's and inhabited by Winifred and Joseph Schaefer until they moved to the Joseph Schaefer House across Bank Street in 1897. It was later acquired by McNulty for whom it is named.

**Capt. John Jefferson House**, c.1877, Bank Street. During the early 1900's Capt. Jefferson was involved with boat traffic on the canal. This two story house has a front gable with an unusual arched window.

**Joseph Schaefer House**, c.1859, Bank Street. Kitty Schaefer Maloney was born here and lived in this house until 1995 when she passed away. Kitty was a prominent citizen in the community having survived her brother, John, who was the founder of the Canal House Restaurant. The double doors in front allowed entrance to the living room or parlor, both of which connected to a large dining room also having a side entrance. The wall separating the living room and parlor has been removed, and the third story was added to provide extra room and closets.

**Masonic Hall**, c.1930, 308 Biddle Street. Originally constructed by William Luper as a full service garage and gasoline station in the early 1930's, it once served as the meeting place for the Daughters of America. The Masons purchased this property in 1974 and currently meet here. The building is a one story structure with the sides covered with tin in a brick pattern. The facade is brick veneer, and a covered entrance is supported by metal fluted columns on brick piers.

**First Presbyterian Church**, c. 1860, 351 Biddle Street. This Federal styled structure has been covered with siding. The bell on the church lawn originally hung in the tower.

**Sellar House**, c.1800, 544 Biddle. This Victorian home was built in the late 1800's by George N. Bennett using materials from his father's mill. Originally the windows were 2/2 sash, but insert muttons have been added creating a lovely 12/12 sash appearance. Square chamfered posts support the front and side porches which were restored following a turn-of-the century photograph. The solid brackets are unusual in town.

## RECOMMENDATIONS

The following programs and strategies are designed to facilitate achieving this Plan's goal of preserving and enhancing the Town's rich cultural and historic heritage.

### *Expand Historic District*

Historic districts are a tool used to protect the community character of unique portions of a locality which exhibit a consistency and quality of development from a particular period and/or in a certain architectural style. Historic districts are administered as an area within the larger community context, and are subject to distinct and specifically-tailored design guidelines. Chesapeake City has a historic district and Historic District Commission (see Map 5).

Historic districts are the only logical approach to preserving the integrity of areas where a significant number of historic buildings are present. In Chesapeake City there are a number of historic structures outside of the existing historic district that should be recognized and protected. The Town would like to expand its historic district to North Chesapeake City to

ensure historic structure protection and to expand economic opportunities, specifically opportunities to promote heritage tourism in the Town. The Town should delineate a historic district boundary in North Chesapeake City and amend its current Historic District Ordinance to capture this new area (see recommended boundaries on Map 5). Representatives from North Chesapeake City should be part of the delineation process.

### *Historic District Ordinance*

The existing Historic Area regulations are contained in the Chesapeake City Zoning Ordinance. These provision should be revised to reflect the latest amendments to the enabling legislation (Article 66B) and “Town Vision” contained herein.

### *South Chesapeake City District*

While the Historic District commission has developed a Vision Statement, this information should be promulgated the owners and occupants of the district to encourage them to restore the outside of all historic properties near to their original condition. In addition the Commission should go forward with their plans to produce a design guide which would provide information as to which restoration approaches are appropriate.

Commission members should participate in workshops, seminars, and similar training sessions to upgrade their skills to provide the best possible guidance to residents seeking information about restoration. One relatively easy way is to seek help from the Maryland Historical Trust and other governmental functions and organizations. Chesapeake City could easily be the location of seminars and the town should encourage this.

### *School Involvement*

Providing regular guided walking tours of the historic district is one way to engender community interest as well as providing the visitor a rewarding experience. The Commission should explore ways to have Middle and Senior High School students trained as guides. This would not only provide the students with community service hours required prior to graduation, but develop in them an appreciation of the town's heritage.

Involvement of the Chesapeake City Elementary students should also be investigated as the fifth grade studies American history and a local project could be integrated into the curriculum.

### *Heritage Tourism*

*The National Coalition for Heritage Areas* defines a Heritage Areas as an area that celebrates the special character and culture of places. It further defines a Heritage Area as a place that usually exhibits: a strong sense of place and identity; large scale natural or historical resources that unify or link the region; a working landscape, home to many active uses; many property owners;

interpretive programs for residents and visitors; regional, state, even national significance; a strong sense of vision and goals; and a greatly improved community pride.

Nation-wide studies have determined that cultural landscapes and region with special natural and historic qualities are among the most important attractions to tourists (Lower Susquehanna Heritage Greenway Resource Report, 1994).

Recognizing the potential benefits of “heritage tourism,” the Maryland Legislature passed House Bill 1, entitled “Heritage Preservation and Tourism Areas,” in April 1996. Among other things this legislation authorizes grant and loan funds for planning, design, development, preservation, restoration, interpretation, marketing, and programming of certified heritage areas. In addition, the legislation expands the local jurisdiction’s authorized income tax credits for qualified rehabilitation of properties included in the boundaries of a certified Heritage Area. These Heritage Areas are identifiable and significant landscapes that are the focus of cooperative public and private efforts to recognize, organize, and communicate a community’s natural, cultural, recreational, and economic attributes to stimulate the local economy and improve the quality of life. Heritage Area designation has many tangible benefits, some of which include:

- *Increased visitor spending.* Heritage tourism projects often attract more visitors, with higher incomes, for longer trips, making more repeat visits.
- *Shared resources.* Heritage tourism projects increase the amount of funds available to accomplish projects. They increase a community’s ability to compete more effectively for outside money.
- *Diversity of tourism opportunities.* Heritage tourism offers alternatives to “single-attraction” tourism, instead focusing on a composite of historical and natural features in a defined geographic landscape. This allows Chesapeake City and its surrounding communities to preserve their social character and environmental resources while promoting a sustainable economy.

Chesapeake City and its surrounding communities and landscapes are a reflection of the characteristics found in a Heritage Area. Since the State of Maryland is promoting heritage tourism as a sustainable economic development alternative, Chesapeake City should partner with surrounding communities to develop a regional heritage tourism program and seek state designation as a “Heritage Preservation and Tourism Area”.

### *Old Town Hall*

The Commission has already prepared a rough draft of an application to place the old town hall on *The National Register of Historic Places*. This should be followed up with residents of the north side of town and pursued as the first step in expanding the town's historic district. (See next item.)

### *Adaptive Re-Use*

The Town should adopt zoning provisions that promote the adaptive reuse of historic structures for public and private uses including, but not limited to, bed and breakfast establishments, craft/gift shops, museums, and studio space for artisans, when such uses minimize exterior structural alteration.

### *Support Owners*

The Town should encourage, through the use of various incentives, the preservation of historic structures. Include tax incentives for major structural or exterior renovation or the donation of protective historic easements.

### *Development Proposal Review*

The Zoning Ordinance and Subdivision Regulations for the Town should require developers to identify cemeteries/burial grounds/archaeological sites/historical structures on a property prior to any disturbance of the site and support archaeological and historical research through preservation of significant sites.

### *Establish a Village Center Micro-Enterprise*

The Town should consider developing a micro-enterprise to encourage town residents to establish small businesses that support the Town's heritage tourism industry while preserving the Town's historic character. Seek the assistance of the Maryland Historical Trust and the Maryland Department of Business and Economic Development.

## Chesapeake City Existing and Proposed Historic District - Map 5



## ***PROTECTION AND PRESERVATION PROGRAMS***

A number of existing programs provide assistance in protection or preservation, offer tax benefits, provide professional historical/architectural consulting, and so forth. More detailed information on programs including the National Historic Landmark, National Register of Historic Places, Conservation and Preservation Easements, and Historic Overlay Districts can be found from various historic preservation organizations such as the Historical Society of Cecil County, Cecil Historical Trust, Inc., or the Maryland Historical Trust, an agency of the Maryland Department of Housing and Community Development.

*National Register of Historic Places.* In 1966, Congress established the National Register of Historic Places as the Federal Government's official list of properties, including districts, significant in American history and culture. In Maryland, the Register is administered by the Maryland Historical Trust. Some benefits resulting from a listing in the National Register include the following:

- National recognition of the value of historic properties individually and collectively to the Nation.
- Eligibility for Federal tax incentives and other preservation assistance.
- Eligibility for a Maryland income tax benefit for the approved rehabilitation of owner-occupied residential buildings.
- Consideration in the planning for federally and state assisted projects.

Listing does not interfere with a private property owner's right to alter, manage or dispose of property.

*Maryland Historical Trust.* The Maryland Historical Trust (MHT) surveys historic buildings, structures and archaeological sites to determine eligibility of being listed on the state register. As with being on the National Register of Historic Places, listing does not limit or regulate the property owner in what can or cannot be done with the property. In order to be considered for listing on the National Register or having an easement on the property to be accepted by the MHT, the site usually must first be listed on the Maryland Historical Trust Register.

*Maryland Historic Preservation Easement.* A state-held historic preservation easement monitored by the MHT is an excellent means of perpetually preserving a historical structure and property for future generations. Regulations state that easements may be assignable to other parties or run with the land. The benefits for a property owner to donate his land to the MHT include income, estate, inheritance, gift and property tax benefits. In exchange, the owner gives the MHT the final word regarding proposed alterations. However, for properties whose fair market value is largely based on the value of development rights, this method of preservation may not be the most financially expedient for the property owner or for the MHT.

## *Preservation Incentives*

The Maryland Historical Trust also provides financial assistance programs to encourage heritage resource activities. They include grants, loans, and tax incentives.

*Historic Preservation Grant Fund.* The Historic Preservation Grant Fund was created to encourage the preservation of historic properties statewide. Capital grant monies are available to non-profit organizations, local jurisdictions, business entities and individual citizens committed to preserving their historic resources. The funds can be used for pre-development and development activities including acquisition, rehabilitation, or restoration of historic properties. The maximum grant award is \$40,000 and some matching requirements apply. Applicants must convey a perpetual historic preservation easement to the Trust prior to the receipt of funds.

*Historic Preservation Loan Program.* The Historic Preservation Loan Program provides loans to non-profit organizations, local jurisdictions, business entities and individual citizens to assist in the protection of historic property. Loan funds can be used to acquire, rehabilitate or restore historic property. They may also be used for short-term financing of studies, survey, plans and specifications, and architectural, engineering, or other special services directly related to pre-construction work. The low interest loans, which average \$100,000, are available on a first-come, first-served basis throughout the year. Successful applicants must convey a perpetual historic preservation easement to the Trust.

*Rehabilitation Tax Incentive Programs.* Historic structure rehabilitation tax incentives are available at the federal and state level. The federal tax program allows homeowners or long-term lease holders of income-producing certified historic structures to receive a federal tax credit of up to 20 percent of the cost of the rehabilitation. The state program allows owner-occupants to receive a state income tax subtraction for 100 percent of the cost of rehabilitation.

## CHAPTER 7

### COMMUNITY FACILITIES

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#### *Goals*

- ◆ Provide an appropriate array of community facilities and services required to maintain the health, safety and welfare of the residents of Chesapeake City.
- ◆ Provide adequate parks, recreation and open space and opportunities equitably distributed throughout the Town for existing and future Town residents.

#### *Objectives*

- Assure the continued expansion of public facilities and services commensurate with local financial capabilities and the capacity of each system.
- Assure the provision of community services and facilities to all living and working areas of the Town in a manner which is the least disruptive to the environmental qualities of the area.
- Encourage the efficient use of natural resources of the area such as water, waterways and scenic areas for the benefit of all Town residents.
- Encourage use of public lands and buildings for a variety of public purposes

## ***BACKGROUND***

The adequacy and capacity of public services and facilities are important to the improvement of the quality of life for citizens of Chesapeake City. Services, schools, recreation, and other amenities are vital to a residential community.

One of the most complex problems facing the Town is the continuation of existing levels of service at reasonable costs in order that the public health, welfare and safety of existing residents be adequately protected. It is the purpose of this Element to evaluate the capacity of existing public facilities in order to determine if current needs are being met and if future growth can be properly served.

## ***EXISTING COMMUNITY FACILITIES AND CONDITIONS***

### *Water & Sewer*

Approximately 320 out of the 330 housing units within the town limits receive community water and sewerage service. Homes in the Town relying on individual septic tanks and private wells are those located along Mt. Nebo Road and some homes along MD 285 east. The Town makes quarterly water and sewer billings to some 340 hook-ups or users, about 320 of which as stated before, are within the town limits. The remaining users are beyond the town limits.

Plans are underway for a new sewage treatment plant near the Town public works building on Third Street, south of the canal. The new plant will provide tertiary treatment in contrast to the current primary treatment level now used. At the new STP location there is already an elevated water tower and a water processing plant. In North Chesapeake City there is an elevated water tower behind the Fire Department and a sewage pumping station at the west end of Pig Alley. Many residents expressed concern in the surveys over the Town's water quality and sewerage service so it is hoped that new scheduled improvements will correct the perceived problems.

### *Town Hall*

The Town Hall is located in the historic stone bank on the corner of Second and Biddle streets. Currently, the Town Hall does not have the space to provide public services that are being requested by Town residents and visitors. To address this issue, the Town is in the process of purchasing the building and property directly across the street to serve as the Town's new Town Hall and Visitors Center. Additional public parking will be made available to the community as a result of the purchase of the new Town Hall property.

### *Fire and Police Protection*

Chesapeake City has a well kept Volunteer Fire Headquarters building in North Town on Lock Street next to the Town Hall. Fire protection south of the C&D Canal is provided from the new fire station located near Bohemia High School.

### *School Facilities*

Chesapeake City Elementary School is located long on a 10.5 acre site at 214 Third Street along the southern edge of the Town. The original building was constructed in 1932 and later expanded (in 1972) to a total 39,100 square feet of floor area. The facility also include one 1,700 square foot relocatable unit (portable) classroom. The Elementary School's attendance area is basically the region north on MD 213 to about 1/4 mile south of Frenchtown Road, and south along Route 213 to about one mile north of the Bohemia River. According to the Cecil County Public Schools Master Facilities Plan 1997 - 1998, the capacity of this facility is 307 and it is currently operating a 113 percent of capacity. School Board projections indicate a stabile enrollment (at about 350 students) through 2007. The Cecil County Public Schools Master Facilities Plan 1997 - 1998 summary statements on this facility are, "Enrollment and program needs exceed instructional accommodations. For the most part, the school has adequate quality instructional and support space. However, walls have been added in the large areas to carve multiple classroom areas out of "open space." A two-class room relocatable is sited at this school. One rooftop HVAC unit remains to complete a replacement program begun in 1992."

At present, Chesapeake City children in the 7-12 grades attend one school, Bohemia Manor Middle/High School, located one mile south of the town limit along MD 213. The Bohemia Manor facility is situated on a 35 acre sited at 2755 Augustine Hermann Highway (1.5 miles south of the C&D Canal). The original facility was built in 1958 (86,142 square feet) and added to in 1995 (49,882 square feet). According to the Cecil County Public Schools Master Facilities Plan 1997 - 1998, the capacity of this facility is 1,130 students (505 middle school and 645 high school) and it is currently operating a 63 percent of capacity. Total enrollment is projected to increased from 792 in 1996 to 1,056 in 2007.

### *Library Services*

Limited library services are provided in Franklin Hall (20 hours per week). This facility is associated with the Cecil County Library System and therefore has access, through inter-library loan, to information, books and other resources that are available throughout the County system.

### *Parks & Recreation*

The Helen Titter Memorial Park is the one recreation facility north of the canal. The park site is approximately five acres and contains a turf baseball play field and a turf basketball shooting area. Although the park's location is good, the property needs more play equipment, better surfacing for the two game areas, an off-street parking area for automobiles, more landscaping,

perhaps some picnic and barbeque facilities, and a better entry way for park users.

In South Chesapeake City there are several small parks and recreation areas and one larger ball field. The ball fields are located near the Elementary School grounds and the small parks are located near the waterfront on the South side. The Pell Gardens Park is located near the shops and stores of the village center. This public green is a meeting place for residents and visitors that often take advantage of the summer entertainment that is put on at the Pell Gardens Park. The Ferryslip Neighborhood Park is a more active small park located near the Back Creek. Residents and tourists will often utilize the horseshoe pit in the Park. to the Town. and the Ferryslip Park are used, particularly the school's little league baseball field.

### *Greenways*

Chesapeake and Delaware Canal Greenway - Perhaps the largest addition to the park and recreation opportunities in the Town are the proposed greenways along both the South and North parts of the C& D Canal. Greenways provide both passive recreation, economic opportunities and safe and affordable transportation.

The Chesapeake and Delaware Canal Greenway provides a potential greenway linking Welch Point Managed Hunting Areas, Elk Forest Wildlife Management Area, Canal National Wildlife Refuge and Bethel Managed Hunting Area. The U.S. Army Corps of Engineers currently holds ownership to substantial tracts of land along the canal. There are existing trails within their land holdings. This greenway potential needs to be explored further with Chesapeake City, private landowners, the Corps and the Maryland Port Authority.

The Chesapeake City portion of the Greenway could be enhanced on the South side of the Town by providing a promenade along Back Creek. This is indeed an activity that the Town is interested in pursuing. In addition, the Town would like to create pedestrian connections to new residential developments to the greenway in both North and South Chesapeake City.

### *Health Services*

The Town of Chesapeake City has suitable health care services for the community. In the Town there is a general practitioner's office and a dental office. The Town also provides emergency services in the form of paramedics and emergency medical services (EMS). The Town utilizes the nearby Elkton Hospital for long term and emergency care services.

### *Day Care Services*

The Methodist Church provides the only day care services in Town. This half day service is provided on week days.

## **RECOMMENDATIONS**

### *Parks*

The Helen Titter Memorial Park is currently underutilized with poor access for both pedestrians and automobiles. It is recommended that the Town develop a Master Development Plan for Helen Tittler Memorial Park to guide future development of the park and to address current access issues. In addition to enhancements for Titter Memorial Park, the Town should consider developing additional park and recreation facilities in North and South Town. In particular, the Town should purchase land to connect Pell Gardens Park and Ferryslip Park in the South section of Town. This would provide a larger waterfront park for public enjoyment. Additionally, the Town should consider developing a “village green” in the historic section of North Town to promote its rich heritage and serve as a common meeting place.

### *Greenway*

To enhance the utilization of the Canal Greenway and to provide better connectivity to downtown services, it is recommended that the Town develop a promenade along Back Creek to connect the existing greenway to the Historic District.

### *Stormwater Management*

The newly emerging concept of Low Impact Development (LID) is an environmentally sensitive approach to eliminate, minimize, or mitigate the "root" causes of development-generated impacts at the sources. LID integrates the use of ecological features such as wetlands and sensitive habitat areas with engineered stormwater management practices in order to develop the landscape to make it more ecological and hydrologically functional. Many of the concept of LID fit well with the design and environmental objectives of the Plan and LID has the added benefit of reducing development costs for the developer and maintenance costs for the Town, thus reducing the cost of housing. The Town should investigate the feasibility of applying/permitting LID techniques.

### *Financing Alternatives for Town Infrastructure*

The University of Maryland’s Environmental Finance Center (EFC) is dedicated to providing environmental finance informational and technical services to local governments throughout the Chesapeake Bay region. EFC’s assistance has benefitted communities by identifying innovative mechanism to finance both expansion of water and sewerage infrastructure, as well as refinance debt to reduce community resident fees. The Town should seek the assistance of the Environmental Finance Center to assist them in finding alternative and innovative financing mechanisms to fund expansion of infrastructure and refinance infrastructure debt to reduce resident’s water fees.

### *Adequate Public Facilities*

Adequate public facilities are essential to the future growth and development of any town. In general, it is wise to require that public community facilities be extended only within the incorporated boundaries of the town. The Town of Chesapeake City will make annexation a prerequisite before granting the extension of Town sewer service facilities to areas outside the Town's incorporated boundaries.

In order to protect the existing ground water (drinking water) resource, the Town will require appropriate environmental review in the development approval process. The Town should encourage stormwater management practices which utilize surface and on-site drainage treatments as opposed to underground drainage piping.

Based on the amount and rate of growth envisioned in this Comprehensive Plan, most of the existing Town community facilities and services such as fire, library, recreation, etc. (as referenced in Community Facilities subpart of the Background and Current Conditions Section of this Plan) are capable, with minor adjustments and improvements, of servicing the planned growth areas. Central water and sewer cost of such required systems will be the responsibility of the developer.

The Town intends to manage the cost of future development and annexation so as not to adversely impact the economy and finances of the Town and its existing residents. New development will be required to pay for extensions of community facilities and a fair share of the cost for capital investments in community facilities systems. Minimally covering the operation costs of the sewer and water hook-ups in annexation areas will help avoid undue future financial hardships on existing Town residents.



## Chapter 8

### HOUSING ELEMENT

| <i>Goals</i>   | <i>Objectives</i>  |
|--|--|
| ◆ Provide a variety of housing types within the Town's land use controls.  | • Encourage continued maintenance and upkeep of existing housing and stimulate the replacement of housing that becomes unfit for human habitation.   |
| ◆ Encourage the use of innovative programs to provide a suitable mix of housing types in affordable price ranges.                                | • Identify and target for action areas with concentrations of substandard housing.   |
| ◆ Insure high standards of quality in new construction, but with sensitivity to housing affordability.   | • Protect residential zones from incompatible activities and land uses to create comfortable and safe living environments.   |
| ◆ Encourage, through both private and public actions, the renovation or removal of substandard housing.  | • Provide a balanced housing stock with housing opportunities for all Town residents.  |
| ◆ Encourage, through both private and public actions, an opportunity for families to live in adequate homes in price ranges that are affordable. | • Improve housing conditions for all the Town's residents, especially the disadvantaged population.  |
|  | • Require site plan and planning review for all major developments to ensure a functional design, quality living environment, and compatibility with overall town character. Conditions, exactions and dedications may be required by the Planning Commission so that the development serves the public interests as fairly and fully as possible, consistent with the Comprehensive Plan. |
|  | • Ensure that multi-family residential development provides adequate community open space, landscaping and parking. Minimum parcel size for multi-family development should be of sufficient size to accommodate this use.   |
|  | • Encourage cluster residential development forms in newly annexed areas.  |

## **COMMUNITY REDEVELOPMENT**

There are areas within the Town suffering from concentration of deteriorating housing. The purpose of Community Redevelopment is to identify and analyze neighborhoods with symptoms of deterioration and neighborhood decay and to provide the format for remedial action programs. The areas that have been identified as having sufficient evidence of urban blight to warrant redevelopment efforts are shown on Map 6.

The following are policies recommended to stimulate community redevelopment:

- Create a separate Three Year Community Development Plan for identified neighborhoods.
- Provide a mechanism for citizen and neighborhood participation in the planning process.
- Seek to retain the residential character of the neighborhoods while simultaneously improving the housing stock and living environment.

## **RECOMMENDATIONS**

*Inventory and Analysis.* Areas with a concentration of blight should be identified, causes of the problems determined, and a neighborhood plan of action developed. The study should involve appropriate governmental and public agencies and residents of the study areas.

*Community Facilities.* Rehabilitation of blighted neighborhoods can be partially accomplished by improving community facilities such as recreation and open space, water and sewerage systems, curbs and gutters, streets, sidewalks, and street landscaping.

*Funding.* The Town should continue to take advantage of federal and state programs to finance the improvement of the residential environment.

*Land Uses.* Land uses which are detrimental to the residential environment should be prevented from locating in predominantly residential areas. Existing incompatible uses should be buffered from residential areas.

*Code Enforcement.* Code enforcement and housing rehabilitation grant and/or loan programs should continue to be used to upgrade the existing housing stock or to remove vacant dilapidated housing.

## Community Redevelopment Areas - Map 6

## ***HOUSING/COMMUNITY REDEVELOPMENT PROGRAMS***

The following housing/community development programs should be considered as the Town addresses its housing and community redevelopment goals and objectives. Most of the state housing programs are administered by the State of Maryland's Community Development Administration which offers a variety of housing programs that fall under the general categories of home ownership, rental housing, special loans and housing subsidy programs. The current programs are briefly described below:

### ***Home Ownership Programs***

Maryland Mortgage Program (MMP) - The purpose of the MMP is to enable low- and moderate-income households to purchase homes by providing below-market interest rate mortgage financing through private lending institutions. The MMP, which targets first-time home buyers, is available to individuals and households with incomes at or below 85 percent of the State median income.

Maryland Home Financing Program - Home Purchase (MNFP- PIRL) - The purpose of MNFP is to provide low-interest rate mortgages for lower-income households. The MMFP, which targets first-time home buyers, is available to individuals and households with incomes at or below 55 percent of the State median income.

Maryland Home Financing Program - Reverse Equity (MHFP-REMP) -The purpose of the MHFP-REMP is to enable elderly families of limited income to access part of their accumulated equity in order to pay for housing and other personal expenses to continue to occupy the home. For eligible applicants and properties, the Community Development Administration (CDA) will establish a line of credit up to a program maximum of \$50,000 from which funds may be requested on a monthly basis. No repayment of loans is required until the death of the last surviving borrower, after the borrower voluntarily moves out, or after the sale or transfer of the property.

Settlement Expenses Loan Program (SELP) - SELP provides financial assistance in the form of low interest loans to pay settlement expenses.

### ***Rental Housing Programs***

Multi-Family Bond Program (MBP) - This program is designed to increase the construction and rehabilitation of multi-family rental housing for families with limited incomes. Tax exempt bonds and notes provide below-market rate construction and permanent financing to profit and nonprofit developers. A certain percentage of units in the project must be made available to low-income persons and households.

Rental Housing Production Program (RHPP) - The purpose of the RHPP is to increase the supply of rental housing for low-income families by providing below-market rate and deferred

payment loans to developers. The program is designed to be used in conjunction with tax-exempt, private, local and federal loans.

Elderly Rental Housing Program (ERHP) - The purpose of the ERHP is to increase the supply of rental housing for low-income elderly households by providing below-market rate and deferred payment loans to developers. The program is designed to be used in conjunction with tax-exempt, private, local and federal loans.

Nonprofit Rehabilitation Program (NRP) - The purpose of the NRP is to provide low-interest mortgage loans to nonprofit organizations and local governments to rehabilitate housing for low-income households.

Partnership Rental Housing Program (PRHP) - The PRHP is intended to expand the supply of affordable housing for poor families through State and local government partnerships. Eligible projects include new construction and acquisition or rehabilitation of rental housing.

Maryland Housing Rehabilitation Program - Multi-Family (MHRP-MF) - The purpose of the Multi-Family Program is to provide loans to assist owners in bringing their multi-family units up to applicable building codes and standards.

Multi-family Home and Energy Loan Program (HELP-MF) - The purpose of the HELP is to finance rehabilitation and energy conservation of existing multi-family properties using the proceeds of tax-exempt bonds.

Construction Loan Program (CLP) - The CLP provides low-interest, construction financing loans to nonprofit and local governments to acquire, rehabilitate, or construct certain types of housing and for bridge loans to profit motivated developers.

Transitional Housing and Emergency Shelter Program - The THESP provides grants to improve or create transitional housing and emergency shelters for the purpose of reducing homelessness in the State.

### ***Special Loan Programs***

Maryland Housing Rehabilitation Program - Single Family (MHRP SF) - The purpose of the program is to preserve and improve existing small residential properties by bringing the properties up to applicable codes and standards. In 1990 this program was merged with the Liveability Code Rehabilitation Program.

Accessory, Shared and Sheltered Housing Program (ACCESS) - The purpose of ACCESS is to expand low cost housing opportunities for low-income households and low-income elderly, handicapped or disabled persons by financing the creation of accessory, shared, and sheltered housing facilities.

Indoor Plumbing Program (IPP) - The purpose of the IPP is to provide indoor plumbing in residential properties. Loans are made to income eligible households in owner-occupied single family units.

Residential Lead Paint Abatement Program (RELAP) - Loans are provided through the RELAP to reduce instances of lead poisoning of children by financing the abatement of lead paint in residential buildings.

Group Home Financing Program (GHFP) - The purpose of this loan program is to assist individuals and nonprofit organizations to construct or acquire and modify existing housing to serve as group homes or temporary and emergency shelter for income-eligible persons and households with special housing needs.

Special Housing Opportunities Program (SHOP) - The purpose of the Special Housing Opportunities Program (SHOP) is to assist non-profit organizations and local development agencies construct and acquire and modify existing housing to provide shelter and service individuals with special housing needs.

Special Targeted Area Rehabilitation Program (STAR) - The purpose of the STAR program is to preserve and improve single family properties. STAR was designed to bring properties up to applicable building codes and standards or a minimum housing quality standard.

### ***Housing Subsidy Programs***

Rental Allowance Program (RAP) - This program provides grants to local governments to provide flat rent subsidies to low-income families who are homeless or have emergency housing needs. The purpose of the program is to help these families to move from temporary housing to permanent housing and self sufficiency.

Section 8 Existing Certificate/Voucher Program - A U.S. Department of Housing and Urban Development Program (HUD), Section 8 Existing is a rental assistance program which subsidizes the rent of low income families through the use of federal grants. This program is administered through the Maryland CDA.

### ***Low Income Housing Tax Credit Program***

The Federal Low-Income Housing Tax Credit, created by the Tax Reform Act of 1986 and extended by the Revenue Reconciliation Act of 1989, is designed to encourage private sector investment in the construction and rehabilitation of housing for low- and moderate-income families. The law gives states annual tax credit allocation based on population. CDA is the agency which allocates the state's tax credits on a competitive basis.

### ***Infrastructure Program***

The purpose of this program is to provide an efficient and economical means of access to capital markets in order to finance infrastructure projects to local governments. This program is administered through the Maryland CDA.

## **Chapter 9**

### **IMPLEMENTATION**

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#### ***BACKGROUND***

The Comprehensive Plan is intended to capture a vision of the future Chesapeake City. As such, it provides a basis for a wide variety of public and private actions and development decisions which will be undertaken in the town over time. It is not a static document because a community is not static, but one which provides general guidelines to the local community in order that piecemeal improvements or day to day decisions can be properly evaluated against their long-range impact upon the community and their relationship to existing settlement patterns.

The Plan and, in particular, the Land Use element indicates the proposed general or conceptual development pattern of the town projected to the year 2010. However it is not a detailed blueprint. Local conditions, values, and philosophies change as a result of economic and political pressures and realities and regulatory changes at the county, state, and federal level and the Plan must subsequently be responsive to these changes. The Plan is not a document which encourages regimentation. It is, however, a guide which encourages patterns of development which permit orderly and economical growth of the community in a manner which can be more efficiently served with a variety of governmental services and facilities.

Sections which follow identify methods to implement plan proposals. Implementation involves the concerted actions of both town elected officials and certain appointed boards.

#### ***DEVELOPMENT FORM***

The following discussion outlines the context in which the Town should review the zoning ordinance and other techniques that will be employed to implement the Plan. This context is particularly important in that the goals, objectives and recommendations of the Town's plan encompass areas beyond the corporate limits. The way in which the Chesapeake City area grows is important to the future of the Town and planning for the manner in which it will develop now is also important, jurisdictional issues notwithstanding.

Although it may be appropriate for the zoning ordinance to provide for open space development forms (cluster and planned) that are useful for protecting sensitive natural resources and providing open space, it is also important to provide for traditional neighborhood design. There are areas within the corporate limits and immediately adjacent to the Town where traditional develop may be more appropriate.

Important concepts that should be kept in mind as the Town develops their zoning ordinance, subdivision regulations, street standards, and other related implementation techniques are discussed below. Quality considerations and creating pedestrian friendly streets should be a universal vision that bridge all development types. Traditional neighborhood developments



concepts are particularly relevant to vacant in-town parcels and areas immediately adjacent to the Town.

### ***QUALITY COMMUNITY***

The Chesapeake City Comprehensive Plan and its implementation should set the basis for development of a “quality community”. This will not only benefit the residents of the Town, but will also help make Chesapeake City a desirable growth center within the overall Growth Management scheme of the County.

A quality community is one that offers a unique sense of place. Having clearly defined boundaries (a town center, connected neighborhoods, surrounded by open space) is a major part of this objective giving one a sense of arrival upon entering the community.

Maintaining human scale when planning for new neighborhoods, civic improvements, employment and shopping areas will help insure a community for people. The elements of the Plan should place emphasis on people not the automobile. This includes providing for pedestrians (with sidewalks and trails), ensuring lots of trees grow in the community, and encouraging human interaction by allowing houses and stores to locate close together and within walking distance. In addition, the Town should take the long view and plan for transportation alternatives. This means encouraging development design that will not preclude transit in the future.

Quality communities are places of diversity and home for people of all ages, incomes, race and ethnic background. Neighborhoods offering a wide range and mix of housing types, including small apartment buildings, row houses, accessory living quarters and small homes on small lots situated among large homes can help achieve this objective.

Quality communities include trees, lots of shade trees and trees along streams. Trees offer many positive environmental benefits. This is particularly true along stream corridors where trees serve as natural buffers to pollution and provide habitat to many diverse species of animals. Trees along sidewalks and in parking lots also protect the local environment and provide aesthetic value to a community.

In developing street standards for new development, the Town should not ignore the benefits of alleys and requiring parking lots be located to the rear of buildings. Alleys and rear parking lots maintain attractive streets and sidewalks and move things not particularly attractive, e.g., trash, utility poles, parking spaces, compost piles, and parking to the rear of buildings, thus allowing the buildings and structures to provide a greater sense of enclosure and security.

The Town should also be cognizant of the role of architecture in creating quality neighborhoods. People enjoy living among buildings that are beautiful and hospitable and that harmonize with the surroundings. Builders and developers should be encouraged to use materials and designs

people have found attractive for decades. Historic buildings and structures can serve as architectural models for new development.

All our citizens, young and old, should be able to see the reminders of our community's heritage, and take pride in it. Preserving historic buildings preserves our sense of history and reflects our roots. Historic resources should be valued and preserved and worthy historic buildings should be adapted to new uses, rather than destroyed. New developments should be designed to complement historic buildings, rather than clash with them.

Design, both site and architecture, should strive to create pleasant outdoor spaces. It is a basic human desire to feel a sense of enclosure. Outdoor spaces convey a sense of enclosure as well. By contrast we note that in suburban areas the design is wide open, with houses plunked in the middle of large lots. These settings provide little or no outside privacy and lack sense of community. Outdoor spaces, such as public squares and small parks, act as centers of communities. As an example, places like Annapolis create outdoor space by setting houses close together to make streets outdoor rooms. Buildings form the walls and street trees provide a ceiling perspective.

Although we are planning for concentrated growth in the area, we need to respect nature. Not every corner of the area can support development. Places with critical environmental limitations and sensitive areas — such as wetlands, floodplain and steep slopes — should be off-limits to development. All development should be required to incorporate appropriate measures to minimize environmental impacts. The most important wildlife habitat areas should be preserved to maintain a biologically healthy diversity of species.

Providing parks in neighborhoods will help to awaken a new neighborhood spirit in the Town. These parks should provide for both active and passive recreational pursuits, with playground equipment, basketball hoops, tennis courts, picnic tables, and shelters. Parks can become the focal point of neighborhoods. The County and Town must work together to develop new ballfields, soccer fields and athletic practice fields.

Finally, quality communities are well maintained and safe. Maintenance is often the chief difference that distinguishes communities of character from communities less desired. Rigorous attention to maintenance is necessary. Policing that emphasizes public order helps maintain the social environment in quality communities.

The Plan and implementing ordinances and regulations must be developed with these quality considerations in mind and each new project (public or private) must be rooted in the vision they connote. Each new development should be viewed as a part of an incremental growth process, creating an identity of its own, but at the same time ensuring that it is integrated with the current Town design. Development projects must reflect a unity and positive relationship to the overall plan for the Town. In this way new developments can enhance the order and richness of the community.

## ***TRANSPORTATION CONCEPTS***

Among other things, new development (and minimum development standards) should reflect an awareness of the importance of streets to the quality of life. The Chesapeake City Comprehensive Plan calls for streets and pedestrian trails that are pleasant to walk along.

Since building and especially maintaining roads is one of the most costly responsibilities of the government, it is important to fully use the transportation system that we have in place. In some areas, Town-owned and maintained unconnected streets do not contribute to increased route options and the shorter trips for pedestrians, bike riders, or autos. New streets must be designed so as to provide for the logical extension the Town's existing grid pattern and reflect the areas functional hierarchy.

A road system with many two lane roads works more efficiently than one with a few four and six lane roads. The system with more, but smaller roads, provides more options for getting around for all travelers. The ability of pedestrians to cross lanes or vehicles to make left hand turns is also less complicated and takes less time on roads with fewer lanes. More road connections allow fewer miles to be traveled saving fuel and reducing pollution. It is in all of the citizen's best interest to add to the road system as needed to maintain straightforward connections for all travelers. This means that the street should be laid-out with consideration for extending the Town's grid system throughout the planning area, as appropriate.

Bike riders need to be encouraged with good bike routes, bike racks at destinations, and showers and lockers at work and school. To encourage people to walk, streets, homes and businesses need to be built in a way that makes streets inviting. The network of pedestrian trails and greenways, shown on the Plan specifically for the use of pedestrians and bicyclists, should be implemented. This way people will be able to travel safely throughout the town and adjoining areas without relying on the automobile. These trails should link the neighborhoods with key destinations such as schools, parks, commercial areas, and centers of employment. This will contribute to reducing our dependence on the automobile.

## ***ZONING ORDINANCE***

Zoning is one of the more important means of implementing a Comprehensive Plan. An effective Zoning Ordinance based on Comprehensive Planning enables the orderly, compatible, and desirable development of a community. In addition, the 1992 Maryland Planning established consistency requirements, namely that regulations, such as the zoning ordinance and maps that implement the comprehensive plan, must be consistent with the policies and recommendations of the Plan and the seven visions. Other plans, e.g., functional plans such as Sewer and Water Master Plans and Open Space and Recreation Plans, must also be consistent with the comprehensive plan and its implementation regulations

The Chesapeake City Zoning Ordinance was adopted in 1977 to implement the then existing Comprehensive Plan. Although there are many aspects of the existing Zoning Ordinance that

should be retained, overall, it is not adequate to implement the Comprehensive Plan herein recommended. Current standards in the existing Zoning Ordinance and Subdivision Regulations should be reviewed for consistency with the recommendations of the Comprehensive Plan. New provisions should be added to the Zoning Ordinance incorporate, as appropriate, the implementation recommendations included in this section and in the various chapters of this plan.

The scope of revisions is extensive enough that it is recommended that, following adoption of the Comprehensive Plan, the Town undertake preparation of a new Zoning Ordinance, Zoning Maps and the Subdivision Regulations.

### ***REGULATORY STREAMLINING***

Revisions to the Town's Zoning and Subdivision Regulations should include, wherever possible, provisions that encourage regulatory streamlining. Specifically, the Town should incorporate development review streamlining provisions in its regulatory review process to guide government regulators to be flexible, to seek and permit alternatives, and to be innovative within planned growth areas consistent with the goals and objectives of the Comprehensive Plan. The Zoning Ordinance and Subdivision Regulations should also be prepared in a user-friendly fashion to speed regulatory reviews and reduce erroneous submittals. A regulatory review guide to assist Town staff, planning commission members, and developers should also be prepared to further enhance the speed and efficiency of the Town's regulatory review process. Finally, the Town's regulations should encourage Town officials (and State agencies, where applicable) to meet with the developer before project plans are prepared. This will enable the Town and the applicant to agree on required submittals, land use and development regulations, and procedures.

### ***PERFORMANCE STANDARDS***

Chesapeake City should consider performance standards as a means to achieve sound, quantifiable planning standards. The term performance standard implies the existence of a firm standard that can quantitatively be determined. Instead of seeking to protect the environment to the maximum extent possible, it sets a standard for protection (floodplains 100%, woodlands 70%). There is no room to debate the achievement of a standard. If 32% of a woodland is to be disturbed, then the standard has not been met. It is clear that this type of planning means more work in developing the ordinance. The standards have to be tested, and the equity issues over the impact of the standard have to be carefully weighed before the standards are adopted. Once in place, however, there is a much lower demand on staff, since each review is a question of checking to see if the plan conforms to measurable standards. Time consuming debates, position papers, and reports that characterize ad hoc reviews dependent on arm twisting can be eliminated. The major difficulty with adopting performance standards is that it requires solving problems up front rather than postponing them to a later date and not every potential issue can be anticipated and resolved with quantitative standards. However, a better effort to quantify standards than is presently in place is clearly possible.

## ***DEVELOPMENT DESIGN STANDARDS - PRESERVING COMMUNITY CHARACTER***

Development design can be generally defined as the management of the visual and physical development of the built environment. Primary emphasis is placed on the preservation of the town's character. The intention is to respond to growing public concern about the increasing transformation of the town's traditional rural landscape to sprawling suburban residential and strip commercial development ownerships and communities throughout the nation. Managing development design to maintain and enhance the character and aesthetics of the town is an important component of the Comprehensive Plan.

All future development in the town, except for single-family homes and farm buildings, should be subject to some level of design review for compliance with minimum development appearance standards or guidelines. These minimum standards that should be achieved are performance standards rather than inflexible and stringent criteria. The intent of these standards is to promote quality development that will complement the community character of Chesapeake City. One of the reasons for implementing these standards is, of course, to positively influence development aesthetics. However, this objective is justified by the greater goals of protecting and enhancing real estate values, fostering of civic pride, and improving the overall investment climate within the town.

These standards are not intended to restrict imagination or development creativity, but rather, to assist in focusing on development design principals which should result in enhancing the visual appearance of the built environment in the area. The development appearance standards relate to such factors as: relationship of buildings to the site; relationship of existing buildings and site to adjoining areas; landscape and site treatment; building design; signs; and, maintenance. These standards should not be considered cost prohibitive or overly restrictive since they embody common sense design principles which were traditionally employed throughout the country prior to the advent of post-war suburbanization.

The following are recommended development appearance standards for future multi-family, village center, highway commercial and light industrial projects:

### *Relationship of Buildings to Site*

- Plan the site to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and screened parking areas.
- Encourage site planning in which setbacks and yards are in excess of zoning restrictions to provide an interesting relationship between buildings. Encourage buildings in the Town to minimize front setbacks to enhance the traditional street/building relationships typically found in rural villages.

- Treat parking areas with decorative elements, building wall extensions, plantings, berms, or other innovative means to screen parking areas from public ways and better manage stormwater.
- Without restricting the permissible limits in the applicable zoning district, make the height and scale of each building compatible with its site and existing (or anticipated) adjoining buildings.
- Place newly installed utility services and service revisions necessitated by exterior alterations underground wherever possible.

#### *Relationship of Buildings and Site to Adjoining Area*

- Make adjacent buildings of different architectural styles compatible by such means as screens, site breaks, and materials.
- Provide attractive landscape transition to adjoining properties.
- Require harmony in texture, lines, and masses. Avoid monotony of design.
- Screen adjacent incompatible land uses from one another by landscaping, berms, walls, and fences.

#### *Landscape and Site Treatment*

- Preserve and develop natural or existing topographic patterns where they contribute to beauty and utility of a development. Permit modification of topography, but not on steep slopes, where it contributes to good appearance, or where it is necessary. Additionally, there should be no modification of topography in the 100 foot Critical Area Buffer or expanded buffer.
- Provide an inviting and stable appearance for the pedestrian through grades of walks, parking spaces, terraces, and other paved areas.
- Provide landscape treatment to enhance architectural features, strengthen vistas and important axes, and provide shade.
- Achieve unity of landscape design by repetition of certain plant varieties and other materials and by coordination with adjacent development.
- Select plant material for interests in its structure, texture and color, and for its ultimate growth. Use plants that are indigenous to the area and others that will be hearty, harmonious to design, and of good appearance.

- Protect plants by appropriate curbs, tree guards, or other devices in locations where they will be susceptible to injury by pedestrian or motor traffic.
- Enhance parking areas and traffic ways with landscaped spaces containing trees or tree groupings.
- Where building sites limit planting, require the placement of trees in parkways or paved areas.
- Use walls, fencing, and/or plantings to screen service yards and other places that tend to be unsightly. Screening should be effective in winter and summer.
- In areas where general planting will not prosper, use other materials such as fences, walls, and pavings of wood, brick, stone gravel, and cobbles. Combine carefully selected plants with such materials where possible.
- Use exterior lighting to enhance the adjoining landscape. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Restrain the design and brightness of lighting.

#### *Building Design*

- Do not restrict architectural style. Base the evaluation of the appearance of a project on the quality of its design and relationship to surroundings.
- Buildings should be scaled and sized in harmonious conformance with permanent neighboring development.
- Materials should have good architectural character and should be selected for harmony of the building with adjoining buildings. Materials should be of durable quality. Materials should be selected for suitability to the type of buildings and the design in which they are used. Buildings should have the same material, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways. In any design in which the structural frame is exposed to view, the structural materials should be compatible within themselves and harmonious with their surroundings.
- Building components, such as windows, eaves, doors, parapets, should have good proportions and relationships to one another.
- Colors should be harmonious and should use only compatible accents.

- Mechanical equipment or other utility hardware on roof, ground, or buildings should be screened from public view with materials harmonious with the building, or they should be so located as not to be visible from public ways.
- Exterior lighting should be part of the architectural concept. Fixtures, standards, and all exposed accessories should be harmonious with building design.
- Refuse and waste removal areas, service yards, storage yards, and exterior work areas should be screened from view of public ways.
- Monotony of design in single or multiple building projects should be avoided. Variation of detail, form, and siting should be used to provide visual interest. In multiple building projects, variable siting of individual projects should be used to prevent a monotonous appearance.

### *Signs*

- Every sign should have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- Every sign should be designed as an integral architectural element of the building and site to which it principally relates.
- The number of graphic elements on a sign should be held to the minimum needed to convey the sign's major message and should be composed in proportion to the area of the sign face.
- The colors, materials, and lighting of every sign should be restrained and harmonious with the building and site to which it principally relates.
- Each sign should be compatible with signs on adjoining premises and should not compete for attention.

### *Maintenance -- Planning and Design Factors*

- Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures should be conducive to easy maintenance and upkeep.
- Materials and finishes should be selected for their durability and wear as well as for their beauty. Proper measures and devices should be incorporated for protection against the elements, neglect, damage, and abuse.



- Provisions for washing and cleaning of buildings and structures, and control of dirt and refuse should be incorporated in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish should be avoided.
- Provisions for landscape maintenance and replacement (i.e. native species) should be added.

### ***TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)***

Traditional neighborhood development is a development pattern that reflects the characteristics of small, older communities of the late 19th and early 20th centuries such as exist in Chesapeake City. Emphasis is placed on the layout of the streets, the building of a variety of housing types with smaller front yards, the more judicious use of open spaces to serve as community focal points, and the appearance of clearly defined streetscapes. TND communities are characterized by:

- mixed land uses;
- grid street patterns;
- pedestrian circulation;
- intensively-used open spaces;
- architectural character; and
- a sense of community.

It is recommended that the Town revise existing regulations to establish a TND overlay zoning district for infill development, as well as Designated Growth Areas. Traditional neighborhood development concepts are particularly relevant to vacant areas in and immediately adjacent to the Town. In the overlay zone, design standards should be created that encourage compatible new construction and additions in traditional neighborhoods. New TND districts created under these provisions should establish specifications for building bulk, building setback, yard requirements, building height and scale, and/or parking requirements. The overlay zone should provide that exceptions to existing development standards can be made where appropriate.

### ***LANDSCAPE REQUIREMENTS***

The Town should adopt landscape provisions in the zoning ordinances that require all major subdivisions, planned unit developments (PUD), and commercial and industrial development required to minimal levels of landscaping on the site. Landscape provisions should, at a minimum require the following:

#### ***Street Trees***

A new awareness of the importance of streets to the quality of life in our growth centers is needed. We must plan for streets that are pleasant to walk along. Development can and should

create an exciting, attractive and vibrant community. New concepts — using the successful communities of our past — should be permitted, encouraged and preferred. As part of this philosophy, street tree planting should be required and specimen trees should be saved where possible. The Town should require that street trees be planted or retained along both sides of all newly created streets. All plantings should be done in conformance with the Forest Conservation Ordinance. At a minimum developers should be required either plant or retain sufficient trees so that for every 35 feet of street frontage there is at least an average of one deciduous tree that has or will have when fully mature a trunk at least 12 inches in diameter.

### *Bufferyards*

Bufferyards are a design technique that can be employed to achieve some of the objective of the Comprehensive Plan. One of zoning's most important functions is the division of land uses into districts that have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. In theory, the location of districts is supposed to provide protection, but in Chesapeake City this is not always the case because uses as diverse as single-family residential and commercial can occasionally be found adjacent to one another. Bufferyards are installed to minimize the negative impact of any redevelopment or future use of vacant land on neighboring uses.

The bufferyard is a combination of setback and a visual buffer or barrier and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this Plan are designed to minimize nuisances between adjacent zoning districts to ensure the desired character along public streets and roads. The planting units required of bufferyards can be calculated to ensure that they do, in fact, function as "buffers".

Bufferyards should be required along property boundaries between all zones of disparate intensities in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Bufferyard requirement should include screening of service structures in attached housing projects and in business or industrial zones, including propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

Bufferyard can also be required along roads to maintain and enhance visual character area. An example of a bufferyard system is included in Appendix A.

### *Landscaping of Parking Facilities*

To reduce the visual and environmental impacts of large expanses of parking areas landscaping of parking facilities should be required. Landscaping in parking lots breaks up of paved parking areas with plantings and provides improved aesthetics and micro-climatic benefits by reducing

heat and glare. These provisions should apply to new sites and parking areas that are to be expanded, moved, or removed and/or reconstructed. Property line landscape buffers between adjacent land uses and buffers along adjacent roads or public rights-of-way should be required as well.

For any parking lot containing more than 6,000 square feet of area or 15 or more spaces, interior landscaping should also be provided in addition to required perimeter landscaping. Interior landscaping should be contained in peninsulas or planting islands.

### *Rural/Scenic Roadways - the Towns Entryways*

A recurring design issue is citizen concern about scattered strip development (meaning a series of houses along a road each taking access from that road) in the rural areas of the County. This type of strip development presents a jarring visual intrusion into the County's flat and open landscape and adversely impacts the visual image one gets entering the Town from the rural areas.

The large-scale and permanent loss of scenic views, characteristic landscapes, and open space is perhaps the most devastating visual result of strip residential development as well as conventionally regulated commercial highway development in suburban and rural areas. The tendency has been for zoning to encourage new development to line both sides of major roadways, eventually obscuring fields, pastures, or woodlands behind commercial frontage lots or a row of uninteresting residential units. This kind of homogenous development contributes greatly to the loss of rural character and community identity.

The Town should encourage the County to develop special zoning ordinance amendments and design guidelines to address this issue along the entryways into Chesapeake City. Access and aesthetics should be controlled in order to either avoid unappealing forms of commercial strip-development and resultant traffic congestion, or to preserve scenic rural views. Both of these objectives have great merit for the maintenance and improvement of rural character. Specific techniques that are recommended include minimum landscape requirements for all development, including street trees and bufferyards and access controls along all County roads.

Public perception of community character is most commonly experienced moving along public roads and from boats on water. Rural character along roads can be protected by requiring setbacks and vegetative screens to mitigate the harsh contrast of houses in the middle of open fields and the natural landscape.

The transportation (and visual) impacts of strip development can be limited by requiring that all lots be served by an internal access road. Driveway connection along entry roads to the Town from any site or lot to any street or road should be strictly limited, except where separate entrances and exit driveways may be necessary to safeguard against hazards and to avoid congestion. These special Town entryway protection provisions should apply to all development including major and minor residential subdivisions.

## ***ENVIRONMENTAL PERFORMANCE STANDARDS AND SENSITIVE AREAS PROTECTION***

This section of the Plan recommends performance standards that implement three important goals of the Comprehensive Plan dealing with protection of natural resources management of stormwater quality, and avoiding conflicts between adjacent land uses. Once adopted these performance standards should apply to all new development in the Town. In general, buffer protection measures should be similar to those required in the Chesapeake Bay Critical Area.

### ***Perennial Stream Buffers***

Where possible a 100 foot minimum setback from all perennial streams, as shown on U.S.G.S. 7.5 minute quadrangle maps or identified through other means, e.g., field surveys or the Cecil County Soil Survey, should be required for any disturbance. Specific instances that may be exempted from this requirement, e.g., road crossings, essential services (e.g., electric, sewer, and water lines), access should be identified. In addition, regulations should provide for existing conditions that may preclude a 100 foot buffer, for example lots-of-record adjacent to a stream with insufficient width or depth to permit a reasonable building area and at the same time achieve the 100 foot buffer. Administrative variance provisions could be established so these situations can be addressed expeditiously and with little or no cost to the land owner.

### ***Ephemeral Streams Buffers***

Where possible a 50 foot minimum setback from all ephemeral streams as identified on the U.S.G.S. 7.5 minute quadrangle maps or identified through other means, e.g., field surveys or the Cecil County Soil Survey, is recommended. Again, the Zoning Ordinance should specify exempted activities and provide for existing conditions.

### ***Sensitive Soil Setback***

The Stream Buffer should be increased to protect sensitive soils adjacent to the 100 foot perennial stream setback, including hydric soils, floodplains, steep slopes, highly erodible soils, and highly permeable soils.

### ***Nontidal Wetlands***

There should be at least a 25 foot setback from nontidal wetlands. No direct or indirect disturbance to nontidal wetlands should be permitted except as allowed by State and Federal nontidal wetland regulations.

### ***Vegetated Buffer in Stream and Nontidal Wetland Setbacks***

Vegetation in the perennial stream and nontidal wetlands setbacks should be preserved and maintained in a natural state, or if not present, created through planting of native species appropriate to the site.

### *Steep Slopes*

There should be no structures or impervious surfaces placed on slopes greater than 25 percent nor should grading or clearing be permitted on steep slopes. On slopes between 15 and 25 percent good engineering and non-engineering practices, such as conservation of steep slope vegetation, should be used for sediment and erosion control during construction, and slopes should be stabilized as soon after disturbance as possible.

### *Habitats of Rare, Threatened and Endangered Species*

Rare, threatened and endangered species and their habitats should be protected as prescribed by Maryland DNR, Heritage and Biodiversity Program. Current information on habitats of threatened endangered species is available through DNR's Heritage and Biodiversity Conservation Programs (HBCP). The computer-based mapping system that HBCP has developed can help the Town streamline project review by identifying potential impacts on threatened and endangered species sites early in the development process. These Sensitive Species Project Review Areas maps can also be used to provide guidance to the Town during its planning process. They can be used to select areas for agricultural, forestry, conservation, and low-density housing use and to direct new areas for growth away from significant habitat areas. HBCP is able to supply aerial photographic-based maps, in electronic or hard-copy format, of sites where construction projects could adversely impact rare, threatened and endangered species habitats. These maps are called Sensitive Species Project Review Areas (SPRA). The developer can locate his project site on the map and immediately determine whether his site falls within a project review polygon.

When a project is within a Wildlife Habitat (Project Review Area) polygon, the developer should be required to contact the Maryland Department of Natural Resource's Heritage and Biodiversity Conservation Program (HBCP). HBCP will work with the developer to determine whether the project will adversely impact the habitat of a threatened or endangered species. HBCP will then work with the developer and the Town to eliminate or minimize the impacts.

### *Forest Cover Protection*

The Town of Chesapeake City should prepare and adopt, as part of its Zoning Ordinance, a Forest Conservation Ordinance that requires that all land development limit clearing of natural vegetation and retain specimen trees to the extent possible, as determined by a forest stand delineation study.

The Forest Conservation Ordinance should require that a person making an application for subdivision, site plan approval, project plan approval, a grading permit, or a sediment control

permit for an area of land of 40,000 square feet or greater must submit to the Town a forest stand delineation and a forest conservation plan for the lot or parcel on which the development is located.

### *Floodplain Protection*

The Town of Chesapeake City should prepare and adopt a Floodplain Management Ordinance consistent with Federal requirements. Additionally, the Town, as part of its Floodplain Management Ordinance, should prohibit new development, new platted lots and substantial improvements to existing structures in the 100 year floodplain.

### *Stormwater Management (Creation of Impervious Surfaces)*

All land development should be encouraged to minimize impervious surfaces through good site design, use of pervious surfaces where use by people or vehicles is infrequent, and full utilization of height limits on structures.

### *Clearing and Grading Strategies*

Land management decision makers, developers, construction contractors, and others influence the way in which we grow and the landscape in which we live. Grading and clearing activities that result from new development challenge communities that trying to balance economic and environmental public policy objectives. Unsustainable grading and clearing practices increase sediment loads, increase erodibility, and affect water quality, habitat, and aquatic life.

Engineered practices to limit the affects of grading and clearing are not enough. The Town of Chesapeake City recommends investigating alternative, sustainable practices to limit the impacts of clearing and grading associated with new development on steep slopes, threatened and endangered species habitat, and water quality. Such innovative practices include preserving existing vegetation, cluster development, minimum disturbance trenching methods, site inspections and seasonal restrictions.

## ***NEIGHBORHOOD PARKS***

In order to implement the Open Space and Recreation objectives for the Town, all residential subdivisions should be required to provide recreation opportunities. The Town may require that all residential developments in the Town provide, at a minimum, (through dedication or reservation) recreational areas in the form of neighborhood parks at the rate of 0.005 acres per residential unit, with a minimum area of not be less than 5,000 square feet.

The Subdivision Regulations can provide that the Town Commissioners may permit payment of a fee in-lieu, dedication, reservation or a combination whenever these open space requirements cannot adequately meet the open space and recreation responsibilities of the development or if the development is less than 30 homes or within 1,500 feet from another park or playground. The

fee in-lieu should be on a per-dwelling-unit basis as established by the Town. Fees collected should be deposited only in a designated account with funds expended only for planned park and recreation facilities.

In the case of large proposed developments (over 100 dwelling units) the Planning Commission may require a combination of improved park and recreational property and playgrounds, at the minimum rate of 0.015 acre per dwelling unit, and an impact fee in order to meet the planned Town open space and recreation objectives.

The purpose of the neighborhood park is to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that should be deemed to serve active recreational needs and count toward satisfaction of the neighborhood park requirements of this article: tennis courts, racquetball courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, and play apparatus.

Each development should satisfy its neighborhood park requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development. However, unless it appears that less than 5 percent of the residents of any development are likely to be children under 12, then at least 15 percent of the neighborhood park must be satisfied by the construction of "tot lots" (i.e., areas equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for parents).

Neighborhood parks should be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences. Each neighborhood park should be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve. Each neighborhood park should be constructed on land that is relatively flat, dry, free of nontidal wetlands, and capable of serving the purposes intended.

As a concluding policy statement relative to the Town's proposed Open Space and Recreation System, it should be recognized that such a system can make a significant contribution toward improving the quality of life.

## ***GREENWAYS***

Where greenways are located along streams, the Town should investigate the implications of public dedication of the perennial stream buffer during the subdivision process. If it is determined that fee-simple dedication to the Town is not in the best interest of the Town, public access easements should be investigated as an alternative. At a minimum, the perennial stream buffers should be targeted as common open space areas during the subdivision process. Where public dedication or public access easements have not been provided, the Town should promote

the use of cross-use easements for contiguous subdivisions for use of the residents within those subdivisions. The cross-use easements could be provided along the greenways or along tributaries streams or wooded corridors that feed into the greenway system. Where the greenways do not follow an easily recognizable physical feature potential alignments should be designated before public dedication or public access easements are provided.

### ***ACCESSORY RESIDENTIAL UNITS***

Conversion of large, older homes into apartment units is often associated with the decline of residential neighborhoods, especially when an absentee landlord situation exists. But at the same time, there is a need to increase housing units, while minimizing impacts to community facilities.

To increase housing supply, while maintaining control to insure neighborhood stability, the Town should consider permitting accessory residential units in residential districts and apartment units over stores in commercial districts. These uses should subject to standards/conditions to insure they do not adversely affect the existing residential character of neighborhoods. In residential areas limitation should include the following:

- The owner of the residential dwelling unit in which the accessory residential unit is to be located should occupy at least one of the dwelling units on the premises.
- The accessory residential unit may be located either in the principal dwelling unit or in an accessory building.
- The minimum floor area for an accessory unit within a principal dwelling should be three hundred (300) square feet but in no case should it exceed thirty percent (30%) of the gross floor area of the dwelling in which it is located. For accessory units located in accessory buildings, the minimum floor area should also be three hundred (300) square feet. There should be no more than two (2) bedrooms in the accessory unit and it should be limited to no more than 50 percent of the structure.
- Number of accessory units per lot should be limited to no more than one (1) per existing single family dwelling.
- If an accessory unit is located in the principal dwelling building, the entry to such unit and its design should be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.
- Off-street parking should be provided in accordance with the standards and requirements of the Town Zoning Ordinance.

### ***PLAN ADMINISTRATION AND ENFORCEMENT***



One of the most important, yet often neglected, issues to be considered in the formulation of the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations is administration and enforcement. Even the most well conceived plans and ordinances will lose effectiveness (and in some cases be invalidated) without consistent and equitable administration and enforcement. The responsibility for administering and enforcing the Comprehensive Plan and its associated ordinances and regulations rests primarily with the Town Council, Planning Commission, Board of Zoning Appeals and the town staff. Each group has a different role in administration and enforcement. Their roles need to be defined and understood in the context of the new plan. guidance in decision-making, and the size and cost of staff needed to effectively enforce regulations.

Once this plan is adopted, adherence to the Comprehensive Plan will result in more efficient and effective regulation, administration and enforcement, and eliminate many of the legal arguments for re-zoning based on "change". In order to fulfill this role, however, the plan must contain high quality standards that are easy to interpret and readily enforceable. Failure to make use of a comprehensive plan as a guide for future development, regardless of its merits, is bound to lead to inconsistent and ineffective enforcement of zoning regulations. For this reason, it is important that town officials make distinctions between decisions based on a plan and decisions based on concerns with the application of the plan. If decisions are not based on consistent application of plan policies, but rather as piecemeal reactions to zoning proposals, then the Community should direct the planners to revise the plan rather than attempt to formulate reactive policy at the zoning decision level.

A comprehensive plan and a zoning ordinance, by their very design, are intended to complement each other. Basically, a comprehensive plan is used to guide development, while a zoning ordinance is a legal document that regulates how and where it is done. A zoning ordinance serves as a set of standards against which site development is reviewed. For example, if a review of a proposed development is taking place and there is an existing policy regarding control of access to roads, then the adequacy of access control should be a critical aspect of the review. If a project will have adverse impacts on neighboring residents, then a determination needs to be made as to how the project can be revised to mitigate these impacts, if at all, in terms of landscaping, setbacks and other standards. If the ordinance is utilized throughout the review process, then officials need only determine whether the proposed development meets or fails to meet the standards set forth. If the proposal conforms to the Comprehensive Plan and Zoning Ordinance, then development can begin. Otherwise, the developer is faced with one of two options: amend the proposal or forego development. Another response, of course, is to challenge the regulation in the courts. Developers may simply challenge the appropriateness of certain regulations as applied to their particular development. A developer may also challenge the validity of the ordinance itself. If zoning ordinances are constantly and successfully challenged, then this will most certainly be reflected in the quality of regulation enforcement.

One of two courses of action can be taken in the event that a standard is challenged as inequitable: the law can be upheld, ensuring that the development remain in keeping with the Comprehensive plan and ordinance, or the validity and fairness of the plan itself can be

reviewed. A review of the plan, including any revisions, however, should occur separately from any development review process. The Town Council and Planning Commission should establish a procedure for reviewing and updating the plan. When a concern arises during a development review, the Council and the Planning Commission should defer action until the planning staff has had an opportunity to review the concerns within the context of the Comprehensive Plan. Rather than grant a precedent setting variance, Town officials, if the issue warrants it, should amend the plan and then grant the development approval. Otherwise, individual cases are more likely to be treated on an individual basis, thereby undermining any attempts to improve the quality of zoning administration and enforcement. Unfortunately, the very nature of the development review process lends itself to this case-by-case approach. When reviewing the conformance of a development to the plan and ordinance, particular features of the plan are bound to be brought into question. The natural tendency is to become involved in the issue of inequity and the plight of the landowner, losing sight of the larger purpose of the plan. Questions of inequity cannot be permitted to overshadow the plan. The plan and ordinance, after all, are supposed to serve as a standard for regulation and should not be reviewed each time a development is proposed. If the town is concerned about an apparent inequity, it should have specific mechanisms to force a review of the policy. Often planning officials monitor alleged inequities or concerns about unfair ordinance provisions over a two or three year period. If the same complaints reoccur, then they responsibly recommend changes to the elected officials. This technique eliminates knee-jerk amendment reactions to isolated incidents of complaint regarding equity.

The purpose of a comprehensive plan is to provide a basis for consistent, high quality enforcement. To accomplish this, the plan and zoning ordinance must contain definitive and relevant policy statements that are readily achievable.

The quality of enforcement is not simply related to the quality of the plan. It is also jeopardized when confronted with poor technical support. Accurate assessment of site development problems and an ability to assist the developers in meeting the community's goals are essential functions regardless of the type of ordinances or plans a community has adopted. Inadequate staffing will also influence the quality of administration and regulation enforcement. Without proper staffing, it becomes difficult to effectively administer and enforce zoning ordinances.

Inadequate funding often serves as a contributing factor to lack of proper enforcement. Adequate funding is essential for drawing high quality professionals with technical expertise. It is also necessary to keep staffing levels high enough to efficiently and effectively administer and enforce regulations.

Adequate funding is essential for proper enforcement of these documents. Increasing population and growth, and subsequent pressures for development, will directly affect costs relating to enforcement. New initiatives will require a high degree of administration and enforcement effort. The increased interagency coordination required for plan review and the additional review of environmental impact assessments or transportation impacts of projects are just two examples of the increased demands which will be placed on the town staff in the future.

Another factor that can contribute to lack of enforcement in the development plan review process is the lack of guidance for handling discretionary decisions. The effect is the same as approaching site development on a case-by-case basis. Without proper guidance, discretionary decisions are likely to result in varying degrees of enforcement of zoning ordinances. Enforcing a comprehensive plan uniformly is difficult without set standards for handling discretionary cases. Proper guidance through development review process management will vastly improve the quality of enforcement and administration.

One enforcement issue that deserves special treatment is non-development review related. It is the monitoring of compliance with the regulations on a day-to-day basis after the development has been completed. Often, it is violations of this nature that are the most visible way for town residents to measure the success of the planning program. The accumulation of junk cars, illegal trailers, illegal home occupations, and illegal signs are typically frequent infractions.

Another difficult type of infraction to monitor is the continued compliance with site plan requirements. For example, landscaping or screening may be required as a condition of an approval; however, even if it is installed as per the plans, it is difficult to ensure that the plantings live and thrive and continue to function.

The process for actually forcing compliance with a regulation that is getting corrective action or stopping an action, can be a cumbersome one. Even with the most blatant violations such as closing an illegal business, the legal and judicial process can be lengthy. This can be a costly and time consuming drain on the resources of the town.

Realistic penalties are a common problem in zoning enforcement. Zoning violations under the current Ordinance are established as a misdemeanor, a criminal offense, punishable by a fine or imprisonment. Meeting the test for a successful criminal prosecution may add more delay time and cost to the proceeding. Frequently, judges are reluctant to give an offender a criminal record for most zoning violations. Certain offenses such as sign and setback violations may be able to be handled by civil penalties which should be explored with the town attorney as the zoning ordinance is revised.

### ***ALTERNATIVE POLICIES***

Several measures can be taken to insure higher quality regulation administration and enforcement. Some of these measures are administrative and budgetary. Others have to do with the structuring of the plan and ordinances. In many instances, the term "alternative" policies is misleading. Some of these policies are mandatory if the town is to have effective zoning administration. The following policies will be discussed:

- Professional Staff
- Funding
- Staff Authority
- Periodic Review and Plan Amendment

- Uniformity in Administrative/Ministerial Functions
- Information Management

In general, the administrative policies of professional staff and funding should be viewed as essentials of any planning program. Without these elements, good ordinance administration is, at best, problematic. The regulatory approaches do contain some choices that the town must address.

### *Professional Staff*

Developing a highly professional planning staff, which possess both planning and management skill, will greatly enhance the quality and level of administration and enforcement. First, and foremost, professional competence requires a commitment to seek and hire qualified personnel for all planning and administrative positions.

A second requirement is proper funding to ensure that qualified individuals are attracted to the town and retained long enough so that they can be effective. Adequate funding for all administrative tasks should also be provided. Inadequate funding for such tasks as zoning administration, regulating subdivisions, variance and conditional use processing, as well as issuing building permits, will result in poor and inconsistent enforcement. If there are insufficient personnel to inspect for compliance of both plans and actual construction, the best plans and regulations will be inadequate. Cross training of town personnel be knowledgeable about other ordinances and programs should help to identify violations.

### *Funding*

Inadequate funding should never serve as an excuse for low quality administration and enforcement. Funding can be provided one of two ways: through a General Revenue Fund or through a fee structure. Long range planning functions are a town effort that benefit the entire community. It is therefore logical that long range planning should be supported out of the town's General Revenue Fund. The short range planning activities such as subdivision review, zoning administration and building permits should be supported by fees for permits, inspections, or processing of zoning applications. Fees should be adequate enough to cover support provided by town departments and any planning costs that are directly related to these activities. These costs can be identified in the budgets of respective departments and are easily calculated. Short range planning and administration should not cost the town money. This is in keeping with the widely held view that developments should be responsible for paying their own way. There are existing fee structures that can be modified to implement this goal.

Using General Revenue Funds to cover administrative costs is still an option. This, of course, is a political decision and should be made accordingly. Limited resources in the General Revenue Fund, however, should not be used as an excuse for inadequate funding of administrative services, since other mechanisms for covering these costs are available.

### *Staff Authority*

Effective administration depends on the appropriate use of staff and an understanding of the different roles played by elected officials, appointed boards and commissions, and the professional staff. The primary job of elected officials and planning commissions is to make policy decisions. Once policy is made, the staff should be directed to implement the decisions. This is a critical distinction. Where possible, authority must be delegated to the staff and, where delegation is not feasible, the role of elected officials and/or appointed Commissioners should be sharply defined.

### *Periodic Plan Review & Amendment*

A comprehensive plan or ordinance is based on a whole series of goals and objectives. Because the elected officials hold the public hearings and adopt the ordinances, they clearly understand all of the details at the time of adoption. However, as memories begin to fade and different officials are elected, the level of understanding diminishes. Thus a series of standards and findings of fact required of the Town Council before making amendments is a very useful structure for decision-making.

The Comprehensive Plan will require periodic review evaluation and update to assure it serves the town's purposes. The Plan, at a minimum, should be reviewed and updated every four years. The actual form and scheduling of Plan review and update will be heavily dependent on town staff and planning commissions capabilities and issues that arise as the Plan is implemented over time.

### *Uniformity in Administrative/Ministerial Functions*

Administrative decisions at first glance may not seem as weighty as a large rezoning matter; however, the cumulative effect of several plats of subdivisions invoking proposed lots as evidence in recent years represents incremental decisions which will most likely have a much more substantial impact on the community than a few larger legislative decisions may have. This is why it is important that all administrative decisions, regardless of how minor, need to be considered uniformly in light of the Comprehensive Plan and its associated ordinances and regulations.

In both permitting and rezoning decisions, consistency and equity are mandatory. Each applicant must be afforded the same due process in administration and enforcement. Different rules cannot be applied on a case by case basis just as policy cannot be determined case by case. Discretionary decision making must be minimized to the extent possible. The Comprehensive Plan, after all, is supposed to serve as a standard for regulation and should not be reinterpreted each time a specific development is proposed. It is often difficult to overcome the natural tendency to become involved in the plight of the landowner, losing site of the larger purpose and community objectives of the Plan.

## *Information Management*

The starting point for effective inspections and enforcement is a good set of records reflecting what regulations, plans, permits, and conditions affect a particular piece of property. Traditional zoning regulations were easy to administer and enforce because all that was necessary in the way of records for most situations were a zoning map, a copy of the zoning regulations, and a description of the property (to find it on the map).

Today, a particular property may be affected by not only the zoning map and applicable regulations but by a PUD plan or site plan, conditions imposed on a rezoning, restrictions contained on a plat such as easements and high water lines, terms of an annexation agreement, special conditions applicable to a particular use, and one or more sign permits including special conditions.

If an owner applies for a building permit, a new business license, or a permit for an additional sign, it is essential that the zoning administrator or building official be able to determine accurately what conditions and restrictions apply to the property.

With a sophisticated, computerized “geographic information system”, it is possible to specify all of the conditions and restrictions applying to each part of a particular parcel. The only administrative requirement for record keeping on such a system is to ensure that every official action resulting in the imposition of restrictions are part of the record. All that is necessary is a file reference number or other piece of information to refer the user to the full site plan, conditional approval, or other document containing the conditions or restrictions.

Most communities like Chesapeake City, however, do not have and will not soon have such sophisticated systems and must build records in another way. Making records of restrictions is essential to the entire administration of land-use regulations, not just to enforcement actions. Some communities have replaced a traditional zoning map with a map containing references to PUD and site plan approvals. While such a system is a satisfactory way to track large-scale approvals, it cannot realistically identify all individual site plans, conditional re-zonings, sign permits, or similar matters.

The only effective way to track all conditions applicable to a particular parcel of ground is with a parcel-based filing system, whether it is on a computer or on paper.

## ***ADMINISTRATION AND ENFORCEMENT RECOMMENDATIONS***

Based on review of current town plans, ordinances, and processes for administration, as well as review of documented concerns regarding how well the system is working, the following administration and enforcement objectives are recommended to guide construction of plan implementation tools, particularly the zoning ordinance and related development regulations as well as operational features of future administrative structure:

1. Where possible, use clear measurable performance standards in ordinances to minimize interpretive confusion.
2. Where uses are subject to Board of Appeals approval, enumerate minimum standards by use and improve where possible the criteria or standards which the Board uses as a yardstick to determine the appropriateness of a given use in the respective zoning district.
3. Reduce the number of conditional uses where possible by establishing clear standards by which they may be permitted by right and subjected to established standards.
4. Maintain clear time frames for review of rezoning application, conditional uses, subdivisions, and uses subject to site plan review and approval.
5. Maintain clear administrative procedures documenting applicant, staff and approval authority responsibilities for processing rezonings, conditional uses, subdivisions, and uses subject to site plan review and approval.
6. Use standard forms and checklists for ministerial and administrative procedures which clarify for all parties various application submission requirements, improvement guarantees, and inspection procedures.
7. Review and refine rules of procedure for use by the Town Council, Board of Appeals and Planning Commission for all zoning forms of action which require public hearings.
8. Provide adequate budget and staff as well as training and support for administrative procedures and inspection functions, and attempt to coordinate and/or integrate inspection and administrative functions to the maximum extent possible.
9. Require approval Boards and Commissions to visit sites within thirty (30) days of hearings conducted vis a vis rezoning and conditional exception uses.
10. Consider revision of the penalty section of the Zoning Ordinance if consistent with state statutes to allow civil penalties for less serious violations to simplify administrative process.
11. Require the annual revision to the town's Capital Improvements Program to be coordinated with the Comprehensive Plan and any recommended amendments resulting from the annual review of the Plan and planning process.
12. Over time establish a parcel based record-keeping or tracking system often called a "geographic information system" that can specify all the conditions or restrictions which may apply to a particular parcel.

## CONCLUSIONS

The Town's overarching objectives in the Plan are to preserve, revitalize and renew the Town of Chesapeake City. As a unique historic waterfront community, the Town has special natural resources and historic features that require such objectives. The Comprehensive Plan creates goals, policies and implementation recommendations to achieve the Town's overall objectives. In addition, the Town has looked beyond its short term needs to create a road map that will help ensure, along with the Plan's associated ordinances, that future growth and development is compatible with the Town's current community character and values. The difficult task of implementation lies ahead.

The Town must now establish a strategy for implementation. By setting short and long term Plan implementation objectives this intimidating task can be managed and administered effectively. Not all of the changes forthcoming will be popular with everyone. It will require a strong commitment from all involved to eventually make this Plan work. In the end, the ability of the Town to properly administer and enforce the Plan and its associated ordinances is the Plan's most accurate measure of achievement. No matter how good an idea or implementation option sounds on paper - if the Town cannot make it work or neglects to make it work - that idea has done little more than stimulate the minds of those who shared it. Constant attention to management and re-evaluation of implementation strategies should be considered equally important to developing the Plan itself.